"Declaration on Action for Human Rights 2019"

In 2009, the Japan Federation of Bar Associations (the "JFBA") issued the "Declaration on Action for Human Rights 2009" and adopted the "Declaration to Further Promote Human Rights Protection Activities under the 'Declaration of Action for Human Rights 2009'" at the Human Rights Protection Conference. We have been working toward the realization of this goal since such time.

Since the Declaration, many of these issues have been or are close to being realized. On the other hand, there are some new issues that need to be addressed.

The Great East Japan Earthquake that occurred in March 2011 and the accident at the Fukushima Daiichi Nuclear Power Plant have resulted in serious and severe violations of human rights. Concerns have also arisen about the possible negation of the principles of constitutionalism and permanent pacifism.

On the occasion of the fifth anniversary of the 2009 Declaration, we reviewed the same and decided to revise to the "Declaration on Action for Human Rights 2014". Five more years have now passed since then, and the surrounding human rights situation has seen further change. In addition to issues that must be addressed on an ongoing basis, many new issues have arisen that now need to be addressed.

Full recovery from the damage caused by the Great East Japan Earthquake and the nuclear power plant accident has yet to be accomplished, and many large-scale disasters have occurred one after another that have caused even further damage. In addition, there is an ongoing movement to revise the Constitution, which would jeopardize the fundamental principles of the Constitution and constitutionalism. Accordingly, we have reviewed the Declaration of Action once again and formulated the "Declaration of Action for Human Rights 2019".

With this Declaration of Conduct as a guide, we will continue to make every effort to protect and expand human rights. We hope that this Declaration will serve as a guide for your activities for the protection of human rights, and we hope that you will join us in our efforts to realize the same.

October 2019
Japan Federation of Bar Associations (JFBA)

Our Goals

During the second half of the 20th century, the people of the world collectively decided to break free from the history of warfare and widespread slaughter. They strived to create a peaceful world in which human dignity was at the center of all matters. It was during this time that human rights treaties were created, covering numerous fields and a diverse range of issues, beginning with the Universal Declaration of Human Rights. Moreover, Japan enacted the Constitution of Japan in 1946, which put our nation on a new path towards achieving a society which renounced war and where people were respected as individuals.

It was under these social circumstances that the Japan Federation of Bar Associations (the "JFBA") was founded in 1949. Declaring both that the protection and promotion of human rights was its most important duty within and outside of the organization, the JFBA adopted the following provision in its Articles of Association, stating that "a practicing attorney shall always be conscious that he/she shall be the guardian of human rights and that he/she shall realize social justice" and that the "Federation shall be the source of protection of fundamental human rights and of realization of social justice."

The types of human rights that were considered necessary to be achieved have continued to expand and deepen throughout the years. These rights were based on the most fundamental rights, such as the right of each person to be respected as an individual and have his/her personality protected, to possess civil and political freedom, including the freedom of belief and conscience and freedom of expression, protected to the maximum extent possible, to have all forms of discrimination eliminated and equality under the law achieved, to receive adequate education, to have decent work in order to live, and to have the right to live in a peaceful society without war. Various institutions were also created to realize the protection of human rights.

In November 1999, the JFBA formulated its "Declaration on Action for Human Rights" to commemorate its 50th year of existence, and declared its strong will and determination to protect human rights both within and outside of its organization.

In the following decade, progress was made through judicial reforms, essentially overhauling fundamental judicial functions, and the visiting committee system, which brought the treatment of detainees under public scrutiny, was launched. In the international arena, new efforts to protect and promote human rights were gaining breadth and depth: the Convention on the Rights of Persons with Disabilities entered into force, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty gained widespread support, and the United Nation's Human Rights Council was created.

On the other hand, after multiple terrorist attacks in the United States, serious threats to fundamental

human rights and freedoms arose, including the spreading of conflict which threatened peace, as well as encroaching surveillance which threatened privacy and freedom. Moreover, the widening gap between the rich and the poor due to deregulation created new human rights issues. Global climate change issues, such as global warming, also became increasingly worse.

Consequently, in November 2009, based on the achievements and the lessons learned throughout the past the decade, the JFBA conducted a major review of the above Declaration in order to further clarify the human rights issues being faced, and formulated the "Declaration on Action for Human Rights 2009" bringing together the collective will of the JFBA on human rights issues. Since then, the JFBA, as a whole, has continually monitored its activities and continued to strive for progress on the issues raised in the Declaration.

For the following five years after the formulation of the "2009 Declaration on Acts for Human Rights," the Act on Promotion of Elimination of Discrimination against Persons with Disabilities was adopted, and the Convention on the Rights of Persons with Disabilities was ratified. Voting rights for people under adult guardianship were reestablished and the discriminatory provision on the proportion of succession for children born out of wedlock was found unconstitutional and abolished. Regarding criminal procedures, the *saiban-in* (lay judge) system that incorporates the public's views in criminal trials has taken root, while defendants in the Ashikaga case, the Fukawa case, and the case of the murder of a female TEPCO employee were acquitted after retrials. The scope of cases covered by state-appointed counsel has also been greatly expanded.

However, in March 2011, the Great East Japan Earthquake and the Fukushima Daiichi Nuclear Power Plant accident brought about serious and grave human rights violations. A large number of people have not yet been rescued or compensated from the damage they suffered. Further, we have been facing a situation in which the principles of constitutionalism and lasting peace are under threat of being denied in the move towards amending the constitution, and this may result in a threat to the basic principles of the people's sovereignty, respect of the basic human rights, and lasting peace. In this regard, a Cabinet decision was adopted to allow for the exercise of the right to collective self-defense, thereby changing the government interpretation without amending Article 9 of the Constitution.

Thereafter, in October 2014, the JFBA reviewed its previous Declaration of Conduct and added new guidelines for the protection of human rights, and the "Declaration of Conduct for Human Rights 2014" was thereby formulated. This was followed by the passage of the Act on the Elimination of Hate Speech, the shortening of the period of the ban on remarriage for women, and the enactment of a compensation law for victims forced to undergo eugenic surgery under the former Eugenic Protection Law. With regard to criminal proceedings, the scope of recording and videotaping of interrogations was expanded, and acquittals were obtained in the Higashi Sumiyoshi case and the Matsuhashi case.

On the other hand, reconstruction from the damage caused by the Great East Japan Earthquake and the nuclear power plant accident has not yet been fully completed, and a series of large-scale disasters caused by earthquakes and torrential rains have been occurring one after another, requiring relief measures for the victims' communities. In addition, the crime of conspiracy, which has a strong possibility of restricting the human rights and freedoms of citizens, has been enacted, and there is a movement toward revising the Constitution, which may jeopardize the basic principles of the Constitution and constitutionalism.

Accordingly, we have formulated this Declaration of Action for Human Rights 2019 in order to review our Declaration of Action once again and render it more appropriate for the current situation.

We pledge to promote this "Declaration on Action for Human Rights 2019" and will stride forward in the human rights protection activities of the JFBA by resonating and empathizing with people both within and outside of the Federation to further increase solidarity on human rights issues, and we will do our best to realize all of our various goals.

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(9) Early ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
2. We will promote the elimination of gender bias in the judiciary.
3. We will promote the equal participation of men and women in the JFBA.
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1 Situation concerning gender equality and equal participation

In 1946, the Constitution of Japan was enacted and it proclaims the dignity of the individual and equality under the law, but even today, further efforts are needed to realize gender equality and equal participation in society. Under the Basic Act for a Gender Equal Society, the realization of a gender-equal society is positioned as "the most important issue that will determine Japanese society in the 21st century" and a national basic plan has been formulated to comprehensively and systematically promote measures necessary for this purpose (the Fourth Basic Plan for Gender Equality, December 2015), and various efforts have been made and legislation has been passed. In August 2015, employers were obliged by law to formulate an Employer's Action Plan for the recruitment, promotion, and capacity building of women. In May 2018, it was made a basic principle that the number of male and female candidates in elections should be equalized as much as possible. In May 2018, a ground rule was laid down with the aim of ensuring an equal balance between the number of female and male candidates at elections. However, we are still far from achieving the numerical target set by the government for women's participation in the decision-making process of 30% by 2020.

According to the "Global Gender Gap Index" report released by the World Economic Forum in

December 2018, Japan ranks 110th out of 149 countries, and has the bottom ranking among G7 countries in terms of the gender gap. Among others, the gender gap in the economic and political sectors is very serious and requires correction. It was revealed in 2018 that the number of female applicants for the medical school entry examination was intentionally limited. Elimination of gender disparity in higher education is a priority issue and it is imperative to work towards realizing this goal.

In the future, concrete efforts should be made to actively realize a gender-equal society, including the introduction of temporary special measures.

2 Gender equality in employment

Even after the enactment of the Equal Employment Opportunity Act (Act Concerning the Securing of Equal Opportunity and Treatment between Men and Women in Employment), the current situation facing female workers has not led to the realization of substantive gender equality, as the majority of women are in part-time employment, the growth in the percentage of women in managerial positions has been slow, and the wage gap between men and women has not narrowed. In recent years, "maternity harassment" has become a social issue, and the Equal Employment Opportunity Act has newly established the obligation to take measures to prevent maternity harassment, in addition to the prohibition of disadvantageous treatment on the grounds of pregnancy and childbirth. The guidelines of the Child Care and Family Care Leave Act (Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave) also stipulate the strengthening of the effectiveness of the prohibition on disadvantageous treatment and the principle of returning to the original position. However, the problem of shortage of nursery schools has not yet been resolved, and it continues to be difficult for women to continue working after childbirth.

Under the Equal Employment Opportunity Act, the scope of prohibited indirect discrimination is extremely limited, and violations are judged on a case-by-case basis.

In addition, although sexual harassment still causes serious damage to many female workers and is a violation of their labor rights, the Equal Employment Opportunity Act only stipulates the obligation of employers to take measures, and is not effective in terms of providing relief to victims and deterring the occurrence of sexual harassment.

Therefore, in order to realize gender equality in employment, it is necessary to establish the principles of equal treatment and equal pay for equal work of equal value, fundamentally review the non-regular employment system, broadly define indirect discrimination as gender discrimination instead of limiting it to a certain part, obligate employers to take positive action (positive corrective measures for discrimination), establish new regulations that clearly prohibit sexual harassment, and take measures to help victims. It is also essential to take measures to revise the Equal Employment Opportunity Act and ensure its effectiveness, such as establishing new provisions that clearly prohibit sexual harassment, enhancing measures for victims' relief, and establishing new sanctions against employers who violate the Equal Employment Opportunity Act.

3 Work-life balance

Familial responsibilities, such as housework, childcare, and nursing care, are originally the responsibility of both men and women. However, there has been no progress in regulating working hours applicable to both men and women. On the contrary, the introduction of the variable working hour system and the discretionary labor system, as well as the high-level professional system, has made the situation of long hours and overloaded work increasingly harsh. Even though the Child Care and Family Care Leave Act has been improved to include both childcare leave and child nursing care leave, it is still quite difficult for both men and women to actually take on family responsibilities. Moreover, there is a continuing shortage of daycare centers and nursery schools for school children, and the nursing care support system is still inadequate. The Equal Employment Opportunity Act should be revised so that both men and women can work and enjoy a rich family life, and the purpose and philosophy of the Act should clearly state that both male and female workers should be able to achieve harmony between work and family life. Concrete measures should be taken to achieve this, such as regulating long working hours, encouraging men to take childcare leave, making daycare centers and nurseries for school children available to more people, and taking measures to prevent care staff from quitting their jobs.

4 Gender equality in the tax system

The tax system, together with the social security system, has an important function in the redistribution of income. Thus, it should be fair and reasonable to all taxpayers, being neutral regardless of household composition and work style.

It has been pointed out that the spousal exemption system and the special spousal exemption system favor single-earner households and restrict wives from working. The tax reform of 2017 has improved the problem of the limitation of wives' work, but with the change in the composition of households, the increase in the number of dual-earner households, and the worsening poverty of single women and single-mother households, the inequity between standard model households and single-mother (father)-child households, and between single-earner households and dual-earner households cannot be overlooked. It is necessary to restructure the system so that it is rational and neutral to the choice of household composition and working style.

Under the tax law, even if an individual runs a business and his or her spouse, etc., who makes the same living as the business owner, is engaged in the business, the salary of the spouse, etc., is not allowed as a necessary expense, in principle. Although there are exceptions to this rule, such as a salary for a full-time employee of a blue-collar business and a deduction system for a full-time employee of a business, the amount considered as a necessary expense is not sufficient, and it has been pointed out that this hinders the economic independence of women, who account for 80% of total family employees. Therefore, it is necessary to review the salary system for full-time employees so that the work of women family members can be properly evaluated and their salaries can be included in the expenses in the same manner as for non-familial employees.

5 Poverty in single-mother households

According to the 2016 National Survey on Single-Parent Households, the average annual income of such households amounts to 2.43 million yen, which is about 49% of the average income of households with children. In Japan, the income redistribution function of the social security system and the tax system is weak. Given the recent employment situation, it is difficult for single-mother families to make ends meet.

For single-mother households, the child support allowance is an important supplement to the family budget. However, in 2002, the income limit for receiving the child support allowance was drastically lowered, and many single-mother families were excluded from eligibility. In August 2018, the income limit for the full allowance was finally raised to 300,000 yen per month, and for the partial allowance, the income limit remained unchanged, but the amount of allowance was increased.

In addition, mothers in discoverture, who have the lowest working income among single-mothered families, are not eligible for the widow exemption under the tax system. As it is not acceptable to include a difference based on marital status, the widow exemption should be extended to non-married mothers. As they were not allowed to declare the widow tax exemption, their taxable total income remained high, which in turn affected their payments for nursery schools or public housing rent. In this regard, the Cabinet Order for Partial Amendment of the Enforcement Order of the Child Rearing Allowance Act was enacted in August 2018.

It is also important that an appropriate amount of child support is paid by a noncustodial parent to the custodial parent and child/children after divorce. As for the calculation of child support, the standard calculation method and simplified calculation table established by judges in March 2003 contained certain inappropriateness such as the non-inclusion of housing expenses for children. In November 2017, the JFBA proposed a new calculation table with revised calculation methods. The Supreme Court also began to review the calculation table. In order to secure payments for child rearing, the Civil Execution Act was amended in May 2019 to allow the court, upon petition by an obligee, to obtain financial information about the obligor from financial institutions, municipalities or the Japan Pension Service. However, this is still not sufficient to secure child support, and it is also important to introduce a system for collection or reimbursement of child support payments.

While some improvements have been achieved to support single-mother households in recent years, they do not constitute a satisfactory solution for the problem of poverty among single-mother households. Thus, more effective measures are required in order to support them and to resolve the issue of poverty among such households.

6 Promotion of gender equality education

School textbooks for children should be based on the principle of gender equality and have a gender perspective so that all genders can be independent and lead diverse and rich lives. Children should not be taught fixed ideas of “manly” and “womanly,” and should instead be free from stereotyped gender roles.

In particular, it is necessary to take positive steps to eliminate separate educational practices, the imbalance in the number of male and female teachers and behaviors of teachers that may instigate gender

discrimination.

Furthermore, in all educational institutions, the training of teachers and school staff on issues related to gender equality should be strengthened, and all teaching materials should be reviewed in order to eliminate the perception of gender roles.

7 Revision of the civil code from a gender perspective

The Supreme Court rendered a finding that the provision on discrimination against children born out of wedlock in inheritance was unconstitutional, and such provision was therefore abolished. In addition, due to the partial amendment of the Civil Code in 2018, the legal age for marriage has now been unified to 18 years old for both men and women. On the other hand, the law was amended to shorten the period of the ban on remarriage for women from 6 months to 100 days following a Supreme Court decision in 2015. However, the remarriage prohibition period itself should be abolished. In addition, the introduction of the system of selective separation for husbands and wives has not yet been realized. Moreover, the Legislative Council has been working since July 2019 on the problem that there are cases where a child's birth registration cannot be submitted due to the obstacle of Article 772 (presumption of legitimacy) of the Civil Code.

We call for urgent amendments to the Civil Code to eliminate the marriage prohibition period, introduce the system of selective separation of spouses, and improve the provisions of Article 772 of the Civil Code.

8 Violence against women

The Act on the Prevention of Spousal Violence and the Protection of Victims has been amended several times, and the scope of protection for victims has been gradually expanded to include the scope of protection orders and violence by male housemates[TMI21]. However, concrete measures to support victims' self-reliance, such as improving human and material facilities and budgetary measures for such support, are insufficient, and the impact of domestic violence on children remains neglected. On the other hand, the Stalking Regulation Act was amended in 2016 to strengthen emergency restriction orders. However, neither of these Acts sufficiently address violence by non-cohabiting partners, and further measures are needed in this regard.

In 2017, the Penal Code was amended to change the crime of rape to the crime of forced sexual intercourse, to raise the statutory penalty, to make it an offense not subject to accusation upon complaint, and to remove the requirement of assault and threat of assault for sexual intercourse by a custodian with a child. From now on, we will consider measures toward 2020, when a review in line with the actual situation of sex crimes is scheduled to be conducted.

In addition, Japan has been requested by the UN Committee on the Elimination of Discrimination against Women to review the penalties and other provisions related to sexual and reproductive rights, but no progress has been made to date. In order to guarantee the right to sexual self-determination and sexual and reproductive rights, as well as the right to be protected from sexual exploitation, the abortion provisions of the Penal Code are to be abolished, and the Anti-Prostitution Law is to be revised. In addition, it is

necessary to revise Article 14 of the Maternal Protection Act to make the spouse's consent unnecessary in cases such as domestic violence or separation.

Regarding the problem of human trafficking, the Japanese government has taken some measures to deal with cases of sexual exploitation in women in response to recommendations from the sending countries and the UN, but there are almost no measures taken for trafficking cases involving labor exploitation, nor measures to address one of its root-causes, i.e. the demand for such labor. Further, there have been no investigations into the fact of the human rights violations related to the Japanese military's "comfort women" issue, nor have there been any apologies or compensation provided that would be acceptable to the victims.

9 Efforts to eliminate gender bias in the judiciary

The judiciary is expected to play an important role in correcting various types of discrimination caused by gender bias (gender-based division of labor, stereotypes, and prejudice) and in restoring violated rights. However, lawyers and other judicial personnel are often unaware of their own gender bias and lack an awareness of the various problems caused by gender bias.

In order to create a society where people achieve legal solutions through fair and just legal procedures free from gender bias, there is a need to identify and remove gender bias and barriers that prevent access to justice in the judiciary.

10 Gender equality in bar associations

The JFBA adopted the "Resolution for the Realization of Judicial Reform Incorporating a Gender Perspective" at its regular general meeting in 2002. Aiming for the elimination of gender bias in the judiciary, we resolved to collect and analyze data, conduct awareness-raising and training programs, and realize gender equality in the bar association. In 2007, we formulated the "Basic Outline of Gender Equality Policies of the Japan Federation of Bar Associations" and adopted the "Resolution Aiming at the Realization of Gender Equality in the Japan Federation of Bar Associations" at the JFBA's regular general meeting, and created the Headquarters for the Promotion of Gender Equality headed by the JFBA President. Then, based on the basic plan set forth by the government, the "Basic Plan for the Promotion of Gender Equality of the Japan Federation of Bar Associations" was adopted in 2008 and the "Second Basic Plan for the Promotion of Gender Equality of the Japan Federation of Bar Associations" was adopted in 2013. The Third Basic Plan for the Promotion of Gender Equality of the Japan Federation of Bar Associations was subsequently adopted in 2018.

In particular, in 2018, as a positive action, we introduced the so-called "quota system for female vice presidents" (in which the number of vice presidents was increased by two to 15, and the two increased vice presidents must be elected from among the female members), which is a major step toward expanding the participation of female members in the policy-making process of the JFBA. Furthermore, we are currently considering the introduction of a quota system for female board members in order to increase such percentage.

We will continue to make further efforts to realize gender equality in the JFBA.

11 Future initiatives

To achieve substantive equality between men and women in all fields, we will do our utmost to resolve the various issues mentioned above. We aim to create an independent administrative remedial mechanism for gender discrimination in the workplace and to allow the judiciary to function as a forum for realizing the prohibition of gender discrimination, so that gender discrimination can be corrected promptly and appropriately. We will also make efforts for: education and training of judicial personnel in order to eliminate gender bias in the judiciary; the early ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the spread and permeation of international human rights norms and standards throughout the country.

2. Human Rights of Sexual Minorities

1. We will call for the improvement of the system and the development of laws and regulations so that sexual minorities can exercise and enjoy their rights in all fields, including employment, housing, social security, education, and health care, without being discriminated against on the basis of sexual orientation or gender identity.
2. We will ask the state to recognize same-sex marriages and to amend related laws and regulations.
3. We will seek to improve the related systems so that same-gender couples are not excluded from protection under the Domestic Violence Prevention Act.
4. We will work to ensure that transgender inmates in penal institutions are treated with full respect for their gender identity.
5. We will also reconsider the legal requirements for change in registered gender for transgender persons.
6. We will do our best to prevent discriminatory behaviors against sexual minorities and to disseminate information for building public awareness regarding sexual orientation and identity.

1 Current situation in Japan regarding sexual orientation and gender identity

Japan does not have a law prohibiting discrimination and exclusion based on sexual orientation and gender identity, and therefore neglects to handle discrimination against sexual minorities such as lesbians, gays, bisexuals and transgender persons. While references to sexual minorities are made in the government's comprehensive suicide prevention outline, the social inclusion project, and the basic plan for gender equality, they are limited to paying due attention rather than specific obligations. In schools, many children belonging to sexual minorities are targets of bullying, while in employment, sexual minorities are often forced to resign or be dismissed due to difficulties in adaptation. In addition, they are excluded from the social security scheme and the use of program for protection from violence by their partners.

2 International trends

In June 2011, the UN Human Rights Council adopted a resolution on sexual orientation and gender identity with the support of 23 countries, including Japan, expressing grave concern over violence and discrimination on the basis of sexual orientation and gender identity, and decided to address the issue as a matter of priority. In the past several years, an increasing number of countries, especially in Europe, North America and Latin America, have begun to recognize same-gender marriages.

UN human rights bodies, including the Human Rights Committee, CESCR, Human Rights Council and the High Commissioner for Human Rights have repeatedly issued recommendations and expressed concerns regarding discrimination against sexual minorities in Japan.

3 Issues to be addressed

In recent years, national and local governments have begun to recognize sexual minorities and to establish systems that give a certain degree of consideration to their human rights, but discrimination still exists in all areas including employment, the workplace, health services, education, public life, and occupancy of public housing. To establish human rights for sexual minorities, it is necessary to take measures across various fields.

(1) In terms of employment, a lack of understanding of sexual orientation and various gender identities often causes resignation or dismissal of the relevant employees who also find it difficult to adapt to the work environment. In medical institutions, a lack of understanding of sexual orientation and various gender identities leads to refusal of access by sexual minorities. Due to inadequate education in this field, many students who are sexual minorities are bullied in schools. Social security systems are designed on the premise of heterosexuals, and same-gender couples are excluded from the use of these systems. In 2012, the government amended the Public Housing Act to remove the restriction limiting the use to families or relatives only, and to admit the occupancy by same-gender couples who are not legally relatives. Yet, some local governments still include such restrictions under their ordinances regulating public housing. In order for sexual minorities to be able to exercise and enjoy their rights in all fields, including employment, housing, social security, education, and health, without being discriminated against on the basis of their sexual orientation or gender identity, it is necessary to improve these systems and the legal system as a whole.

(2) In Japan, same-gender marriage is not recognized by law, thus placing couples in a disadvantageous position as they are not regarded as spouses. This infringes upon the freedom of marriage and the principle of equality. The Japanese government should immediately recognize same-gender marriage and revise the related laws and regulations.

(3) The protections and support offered for victims of violence by same-gender partners are insufficient. It is difficult for them to use protection facilities. Protection orders under the Domestic Violence Prevention Act are applied mutatis mutandis to partners living together but are not explicitly applied to partners of the same gender. The protection system should be improved so that same-gender couples are not excluded from the protection thereunder.

(4) Persons with social or physical gender dysphoria are placed in either male or female penal institutions based on their registered sex. The JFBA has called for the issuance of treatment guidelines taking the human

rights of transgender persons in penal institutions into account, and in 2011, the government issued the Guidelines for the Treatment of Inmates with Gender Identity Disorder (Notice) (partially revised in 2015). It is important to continue working toward improving the treatment of transgender inmates with greater respect.

(5) In 2003, the "Law Concerning Special Exceptions to the Gender Treatment of Transgender Persons" was enacted, and those transgender persons who meet certain requirements are permitted to change their gender under the law. However, there is still a need to examine if the law provides sufficient relief, if there are any problems which may arise, and if these requirements for gender reassignment need improvement.

(6) Discriminatory remarks that deny the human rights of sexual minorities and seek to exclude them from society, as well as remarks that discriminate against sexual minorities or encourage discriminatory attitudes, infringe upon the human rights of sexual minorities that are guaranteed under Articles 13 and 14 of the Constitution and the International Covenant on Civil and Political Rights. We will continue to work toward the prevention of such discriminatory behaviors while endeavoring to widely disseminate knowledge about sexual orientation and the sexual identity of sexual minorities

3. Elderly People and People with Disabilities

1. To ensure the right of elderly people and people with disabilities to live in their respective local communities and have their human rights respected, we will work toward the protection of their rights and prevention from various risks including crime, abuse, consumer damage and disasters, while building a network and cooperation with people in the fields of welfare, health care, medical care and education, as well as from the local community.

2. We will continue to strengthen our work toward achieving relief from human rights violations in institutions and hospitals.

3. We will actively engage in representing people who are involuntarily hospitalized in mental hospitals in order to protect their rights.

4. We will work on issues of appropriate use of the adult guardianship system and active use of the Act for the Prevention of Abuse of the Elderly, the Act for the Prevention of Abuses of Persons with Disabilities, and the Act for the Elimination of Discrimination against Persons with Disabilities.

5. We will actively support accused people who are elderly or have disabilities.

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1 Right to live in the community

The rights to live in a community which one prefers to and to end one's life in a community which she/he becomes accustomed to living in a community together with other people are fundamental rights guaranteed by Articles 13, 14, 22 and 25 of the Constitution, as well as under the International Human Rights Covenants and the International Convention on the Rights of Persons with Disabilities. However, it is not easy for people with various difficulties in their social life to peacefully live in the community in their

own way. This can only be achieved when support is provided to the elderly or people with disabilities by the national and local governments and local communities.

2 Circumstances surrounding the elderly and people with disabilities

Under the basic social welfare structural reforms based on the principles of "normalization" and "self-determination and self-selection," welfare policies for elderly people and people with disabilities have undergone a major transformation since 2000 with the introduction of the long-term care insurance system, the support cost system for people with disabilities, and the Services and Support for Persons with Disabilities Act (currently the Comprehensive Support Act for Persons with Disabilities - to comprehensively support the daily and social lives of persons with disabilities). In this Act, there was advocacy for realizing "community welfare" and "user-oriented service provision", and a shift toward measures that support people to live their own lives in the community, rather than in residential facilities or hospitals, was announced. At the same time, the guardianship system for adults was substantially revised, and a new system came into effect in 2000. In addition, with the revision of the Long-Term Care Insurance Law in 2005, rights protection activities for the elderly became the responsibility of municipalities. In April 2006, the Elderly Abuse Prevention Act (Act on the Prevention of Elderly Abuse and Support for Caregivers of the Elderly) was enacted. In April 2012, the Act on Comprehensive Support for Persons with Disabilities (Act on the Improvement of Relevant Acts to Take New Measures for Health and Welfare of Persons with Disabilities Toward the Realization of Harmonious Coexistence in Local Communities) was enacted. The Act for the Prevention of Abuse of Persons with Disabilities (Act Concerning the Prevention of Abuse of Persons with Disabilities and Support for Caregivers of Persons with Disabilities) was enacted in October 2010, and the Act for the Protection of Children with Disabilities was enacted in April 2011. In October 2012, the Act for the Prevention of Abuse of Persons with Disabilities (Act for the Prevention of Abuse of Persons with Disabilities and Support for Caregivers of Persons with Disabilities) was enacted, and in April 2016, the Act for the Elimination of Discrimination against Persons with Disabilities (Act for the Promotion of Elimination of Discrimination against Persons with Disabilities) was enacted. In addition, Japan ratified the Convention on the Rights of Persons with Disabilities in January 2014.

However, it can hardly be said that there has been much progress made in terms of the "right to live in the community" for these people. Rather, it must be said that the revision of the long-term care insurance system and the implementation of the Comprehensive Support Act for Persons with Disabilities, under the policy of budget reduction, are moving in the direction of suppressing the use of welfare services. The Services and Support for Persons with Disabilities Act has been abolished and replaced by the Comprehensive Support Act for Persons with Disabilities, but in spite of the fact that a drastic review was supposed to be made at the time of such transition, in the end it was completely inadequate in terms of user burden, amount of payment, and use without gaps. In addition, there are fears that the Long-Term Care Insurance Act will further limit the scope of payments. There are also inadequacies in the system that is intended to ensure that the elderly and people with disabilities who are accused of crimes receive appropriate welfare support. It is reported that many of such persons become repeat offenders due to not

being able to receive appropriate welfare support. In addition, due to the lack of procedural safeguards taking into account the attributes of disabled persons, they may be falsely convicted or receive an excessive sentence. In addition, the shift from hospitalization to local community care for the mentally disabled has been very slow, and mental hospitals do not provide adequate medical care. It should also be noted that there is an absolute shortage of places for the mentally disabled to live in the community (housing, workshops, workplaces, etc.).

Moreover, the number of beds in mental hospitals in Japan has received international criticism for being excessive, and combined with the slow shift from hospitalization to community-based care, this has become a serious impediment to the rights of people with mental disabilities to live in the community. In addition, involuntary hospitalization restricts the freedom of individuals, but at present, effective judicial control over this restriction has not been implemented, and appeals against involuntary hospitalization have clearly not yet been established. The effectiveness of the review by the Psychiatric Review Board is still an issue, and the right of hospital inpatients to appoint a representative is not uniformly guaranteed at the national level. It is also a problem that physical restraints and isolation are heavily used in mental hospitals.

3 Necessary support

To realize the community life for the elderly and the disabled people, it is necessary to improve welfare services as well as to provide them with housing, medical care, income security, employment and social participation, education, rights protection (including decision-making support), barrier-free access, disaster prevention, and other general life support.

Living in the community involves many more risks than living in the “protected” spaces of facilities and hospitals, and support measures for these risks are essential. Abuse of the elderly and people with disabilities continues unabated, and it is necessary to secure human resources, establish response schemes, and form local networks for early detection and response in accordance with the respective abuse prevention acts. Furthermore, stronger cooperation with other professional organizations is an important issue for achieving the prevention of abuse.

Further, consumer damage targeting the elderly and people with disabilities has become a major social problem. As part of the rights protection work performed by local comprehensive support centers, the consultation and damage recovery support systems should be enhanced, and new laws that take into account the characteristics of such victims should be considered. In addition, it is important to use the local watchdog system and adult guardianship system in order to achieve the prevention of damage.

It is important to have a system for watching over people in the community and to utilize the adult guardianship system to prevent harm. In the course of living in the community, people may become victims of accidents or incidents, but they may also be suspected of being perpetrators. While it is of course necessary to provide support for victims of crimes, there is also a need to provide support for criminal suspects and defendants in order to guarantee their rights in consideration of their characteristics. Specifically, we call for the establishment of a system that allows for: a person who understands the characteristics of disabilities to be present during interrogations; the recording and transcription of the

entire interrogation process; and other measures to ensure that people with disabilities are properly informed and that reasonable accommodations are provided in the course of judicial proceedings. For the community life of elderly people and people with disabilities who have committed crimes and to allow them to live in the community, it is essential to provide an appropriate environment and welfare support for their rehabilitation and to promote their smooth reintegration into society. To this end, we aim to provide seamless legal defense and support in cooperation with welfare institutions such as the Community Life Support Center and others involved in welfare.

Furthermore, the Great East Japan Earthquake made it clear that the elderly and people with disabilities are the most severely affected by disasters. Therefore, it is important to develop "measures for the vulnerable in disasters" based on the revised Basic Act on Disaster Control Measures.

On the other hand, there are many violations of rights, including abuse, in residential facilities and hospitals, and it is necessary to take measures against such violations.

In order to minimize involuntary hospitalization and behavioral restrictions in mental hospitals, and to improve the treatment of the mentally disabled, it is important to make recommendations regarding the problems facing mental care in Japan that meet international human rights standards for the mentally disabled. At the same time, we will work to develop an effective system in which lawyers can act as agents for the Psychiatric Review Board in order to minimize involuntary hospitalization and behavioral restrictions and improve treatment in psychiatric hospitals. At the same time, it is necessary to strengthen the functions and authority of the Psychiatric Review Board so that it can exercise appropriate authority as a specialized and independent body from a medical welfare and legal perspective, while also being necessary to improve the quality of the legal experts who serve on the Psychiatric Review Board.

In supporting the elderly and people with disabilities, it is important to provide "decision-making support" from the perspective of "the sovereignty of the parties concerned," in which the parties concerned themselves assert their needs and decide on how to live their lives, so that they can make their own decisions as much as possible, even if they are suffering from dementia or disabilities. However, it is important to never forget that, in reality, these people have been forced to give up their lives in the community due to the idea of "the safety and protection of the public" held by those around them. On the other hand, the idea of normalization sometimes leads people with disabilities to be forced to adapt to society, so we must always remind ourselves to provide support suitable to their level of aptitude.

In order to widely promote the recognition that the right to live in the community in one's own way and with peace of mind is an irreplaceable and fundamental human right for everyone, as well as to guarantee the "right to live in one's community" for the elderly and people with disabilities in particular, we call on the national and local governments to strengthen these support programs and take adequate financial measures. At the same time, we call on the national and local governments to build and enhance consultation and support programs for community life in the network among professionals in the welfare, health, medical, education and legal fields, as well as people in the community.

4. Prohibition of Discrimination Against Persons with Disabilities

We call for the realization of various rights of persons with disabilities, including the right to have support to be independent and participate in society in the same way as people without disabilities, the right to work without discrimination, the right to have education in an inclusive environment regardless of disability, and the right to access to transportation, information, and facilities without barriers.

We will work to ensure the full implementation of the Convention on the Rights of Persons with Disabilities which Japan ratified in 2014. Specifically, we will work to revise the Basic Law for Persons with Disabilities and the Act for the Elimination of Discrimination against Persons with Disabilities (including making reasonable accommodation legally obligatory for private businesses and establishing a dispute resolution system). We also call for the establishment of a national institution that promotes, protects and monitors the implementation of the Convention, as well as the ratification of the Optional Protocol to the aforementioned Convention.

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1 Legislation prohibiting discrimination on the grounds of disability and ratification of the Convention on the Rights of Persons with Disabilities

In December 2006, the United Nations adopted the Convention on the Rights of Persons with Disabilities. This Convention stipulates that discrimination against persons with disabilities, including the failure to provide reasonable accommodations according to different types of disabilities, can never be tolerated. It specifically prohibits discrimination in facilities and services, judicial proceedings, access to information, freedom of movement, education, employment, and political participation.

While calling for the ratification of the Convention on the Rights of Persons with Disabilities, the JFBA also continued to call for the enactment of a law to prohibit discrimination on the grounds of disability by implementing the Convention in Japan.

Taking the opinions of the JFBA and organizations for the disabled into account, the Japanese government made movements towards improving the national legal system to accommodate the ratification of the International Convention on the Rights of Persons with Disabilities, by amending the Basic Act for Persons with Disabilities in 2011, enacting the Act on the Comprehensive Support for Persons with Disabilities in 2012, amending the Act on the Promotion of Employment of Persons with Disabilities in 2013, and enacting the Act for the Elimination of Discrimination against Persons with Disabilities in 2013. This eventually led to the ratification of the Convention by Japan in January 2014.

2 Amendment of Act for the full implementation of the Convention on the Rights of Persons with Disabilities

As described above, the government has developed national legislature to ratify the Convention; however, it has not yet reached the level that the Convention sets forth. Under the Act for the Elimination of Discrimination against Persons with Disabilities, the government and administrative agencies are legally bound to provide reasonable accommodation, whereas private businesses are only obligated to make efforts to do so. With no specific consultation system or dispute resolution system in place, many cases of discrimination against the disabled are not addressed and given due attention from society. It is necessary

for private businesses to provide reasonable accommodation as a legal obligation and to establish a consultation system and dispute resolution system. We call for the inclusion of these systems into the main body of the Act when it is to be reviewed after three years have passed since its enactment, in accordance with the Appendix 7 of the Act.

The School Education Law and the School Education Law Enforcement Ordinance still do not recognize children with and without disabilities learning together as a principle, thus violating the Convention on the Rights of Persons with Disabilities. To achieve an inclusive society at all levels, there is a need to improve the legislation to guarantee inclusive education as well as to promote mutual understanding.

In the field of justice, there is a need to establish an obligation for consideration in the civil procedure law to ensure that accommodation is provided according to individual circumstances of a person with disabilities. In the area of employment, there is a need to modify the scope of eligibilities under the Law for Employment Promotion for Persons with Disabilities and address the problem of the poverty caused by part time work for short hours. In terms of medical care for the mentally challenged, the Law on Mental Health and Welfare of Persons with Mental Disabilities should be reviewed as it permits the forcible deprivation of liberty from such persons. The adult guardianship system also needs to be amended to ensure that the will of a person with mental disabilities is respected. There are still many legal systems that do not conform with the standards set forth in the Convention on the Rights of Persons with Disabilities.

3 Establishment of a human rights system to implement the Convention at the national level

The Convention on the Rights of Persons with Disabilities calls for the establishment of a national implementation and monitoring body to promote, protect and monitor the implementation of the Convention in States Parties, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities provides the Committee on the Rights of Persons with Disabilities with the authority to receive complaints from individuals who have suffered violations.

In order to better protect the human rights of persons with disabilities, a national human rights institution and the individual complaints system should be effectively used.

Toward this aim, a national human rights institution independent from the government should be established in line with the UN Paris Principles, with mandates for the promotion, protection and monitoring of the human rights treaties that Japan has ratified.

Moreover, the Optional Protocol to the Convention should be ratified as soon as possible in order to enable Japan to utilize the individual communication system.

4 Responses to discrimination based on eugenics

Under the former Eugenics Protection Act, in the period from 1949 to 1996, eugenic surgeries and abortions were performed on people with disabilities against their will. This is a grave violation against the human rights relating to human dignity, the right to self-determination and the right to reproductive health of persons with disabilities based on eugenic ideology.

JFBA has urged the state to apologize to these victims, take measures to compensate them for the

damage suffered, conduct a fact-finding survey and shed light on the truth. April 2019 saw the enactment of the "Act on Lump-Sum Payments to Persons Who Have Undergone Eugenic Surgery Based on the Former Eugenic Protection Act," and the state is now required to implement the Act on a flexible basis while reviewing the Act to further enhance the recovery of damage.

We will continue to monitor the appropriate implementation of the Act, support victims and make efforts to eliminate discrimination based on eugenics in order to achieve a genuine recovery from the damage suffered.

5. Children's Rights

We will work to remedy the present competitive and managerialist education system, eradicate human rights violations such as corporate punishments and abuses, guarantee children the right to growth and development, improve child-rearing-support measures, and improve human rights education in schools. We also aim to make the idea that children are to enjoy and exercise their own rights be recognized throughout society as a whole.

With the belief that bullying is a violation of human rights, we will take all actions necessary to prevent and resolve bullying in order to eradicate human rights violations.

We will reform the juvenile justice system to ensure due process and the right to growth and development of juveniles.

We will aim to realize a full-scale court-appointed attendant system.

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1 Implementation of the Convention on the Rights of the Child

The basic principle of the Convention on the Rights of the Child that "children are actors who enjoy and exercise their rights" has been gradually spreading and has been the basis for lawyers working on child issues to support and lead to achievements.

On the other hand, the Concluding Observations of the CRC in its review of the 4th and 5th report of the Japanese government indicated their concerns over the absence of a comprehensive anti-discrimination law, and the protection of children's right to express their opinions regarding matters that affect children, and the Committee encouraged ensuring that due attention be given to the opinions of children. With regard to corporal punishment, it is recommended that all forms of corporal punishment should be explicitly and totally prohibited by law, and that measures should be strengthened to eliminate corporal punishment in practice in all settings. Other major problems pointed out by the Committee included the lack of a comprehensive law on children's rights, the lack of a coordinating agency that functions to see the rights of children protected across all sectors, and the non-ratification of the Optional Protocol to the Convention on the Rights of the Child on reporting procedures. As pointed out by the Committee, the "rights-based approach" (as opposed to the "benefits-based approach") has remained unrealized, and court decisions have seldom been made on the basis of the rights of children.

We must stop the trend towards the control and supervision of children and the use of severe punishment thereon. We aim to establish a "rights-based approach," to guarantee children's rights to growth and development, and to establish a legal system and society that protects children's dignity and treats them as human beings.

2 "Revision" of the Basic Act on Education

In the field of education, an educational system that focuses on competition and control has been developed as an "educational reform" following the "revision" of the Fundamental Law of Education in 2006.

At its 2012 Human Rights Convention, the JFBA adopted the resolution "to respect the dignity of children, and to review the controlling and competitive education system to protect children's right to learn." Following the adoption of this resolution, from the perspective of constitutionalism with individual dignity as a core value, we have repeatedly called for the correction of the intensified competition and control over the contents of education.

The CRC has also repeatedly expressed its concern that the competitive educational environment in Japan is a cause of bullying, truancy, dropping out of school, suicide, etc., and called for the release of children from this stress.

We will continue our efforts to get to the bottom of these problems and to make fundamental changes to ensure that the personality of every child is respected.

3 Guarantee of the right to education

In accordance with the Constitution of Japan and international human rights treaties, children have the right to receive equal opportunity and free general education. The JFBA has called for the establishment of laws and systems to prevent children from being deprived of the right to education due to poverty and to prevent the cycle of poverty from occurring. The 2010 Human Rights Convention of the JFBA adopted a resolution calling for (i) the break of the cycle of poverty, and (ii) the prevention of the right to live and the right to growth and development for all children. After that, we called for approving children of families receiving public assistance going to college and for not lowering the present income level to be eligible for public assistance. We will continue to work to protect children's right to education.

We will also make efforts to ensure that the right to education is substantially protected by allowing children of foreign migrants to enter Japanese elementary and junior high schools even when they are over age, by creating junior-high night schools for those who were unable to attend school during their school ages, or by any other means.

4 Expansion of "school lawyer" system to achieve the best interests for children

To achieve the best interests for school children, school administrators need to appropriately respond to problems such as bullying or accidents that arise in school in accordance with the laws. School administrators find it very difficult to cope with excessive demands from some parents and local residents,

as well as the increasing complexity of the environment surrounding children. The “school lawyer” scheme has increasingly been used to achieve the best interests of children. This system involves a legal consultation service being provided by lawyers to schools. We will actively work to expand the system and to ensure the quality of service.

5 Actors of the rights of child in the family law system

In the existing family law system, children are regarded as objects of custody rather than as actors of their rights. Therefore, it is very difficult for children to bring their will and interests into the procedures when their custodial environment or legal status is changed due to divorce or other familial reasons.

It is a big step forward that the Family Affairs Procedure Act recognizes the right of children to participate in family affairs procedures to a certain extent, and also allows children to appoint their own counsel (private attorney) or court-appointed counsel. We aim to make active use of this system. It is a problem that remuneration for counsel is in principle borne by the child. To substantially protect the right of children to appoint counsel by themselves (or to substantially protect the opportunity to receive a court-appointed counsel), we will actively work to make counsel fees be shouldered as a public burden.

6 Child abuse

The Child Abuse Prevention Act was enacted in 2000. Since then, such Act and the Child Welfare Act have both been amended several times, with some progress being made in the legal system. In the meantime, however, the human resources and material support necessary to implement child welfare service are still insufficient to provide relief for children. In some cases, children are victimized to death despite the involvement of a local child guidance center. We will work to develop a system that helps reinforce the involvement of lawyers in child guidance centers, and call for the adoption of a mechanism that allows an abused child to express her/his opinions during the administrative procedures for the prevention of abuse, or an appointment of lawyers to represent the child.

7 Corporal punishment and other cruel or degrading forms of punishment

The JFBA has been calling for the eradication of corporal punishment and other forms of cruel or degrading punishment through legislation and educational activities. The CRC believes that the elimination of corporal punishment is the key to reducing and preventing all forms of violence in society, and, in the Concluding Observations of its review of Japan, has recommended the Japanese government to strengthen measures to eliminate corporal punishment, including awareness-raising campaigns and the promotion of positive, non-violent and participatory parenting. The World Health Organization and the Sustainable Development Goals have also set the goal of eliminating corporal punishment and psychological aggression against children. We will continue to demand that effective measures be taken to eradicate corporal punishment based on the collection and analysis of uniform data, including international indicators, and we will work to realize consideration, care, and support for children who are subjected to corporal punishment.

8 Eradication of human rights violations against children due to bullying

In June 2013, the Act for the Promotion of Measures to Prevent Bullying was enacted. The act does not see the real nature and background of the bullying, since it considers bullying as a confrontational structure between the perpetrator and the victim and sets a basic stance of confronting the victim by providing support and the perpetrator by providing guidance. While we appreciate that some of these problems have been improved under the "Basic Policy for the Prevention of Bullying, etc." (the national basic policy) established based on the act, we continue to monitor the progress of its implementation and urge for further improvements.

In addition, in order to deal with the various issues that have arisen in the operation of the act after its enforcement, we will work to improve the broad definition of bullying in the act and to deal with children who are suffering from physical and mental pain regardless of whether or not they have been bullied.

Furthermore, in response to the government's basic policy that requires the participation of lawyers as persons with expertise to maintain neutrality and impartiality in organizations established by local governments, especially investigation committees that deal with serious situations, we will create conditions to ensure the participation of appropriate lawyers who can fulfill their expected roles. We will continue our efforts.

At the same time, we continue our efforts to eradicate human rights violations caused by bullying by setting up a children's human rights consultation service and implementing bullying prevention classes in schools.

9 Juvenile justice

In the field of juvenile justice, the Juvenile Justice Act has been "revised" several times since 2000, with a major shift toward criminalization and stricter sanctions, admitting the police to investigate juveniles under the Act, as well as allowing victims to attend closed-door juvenile trials. The principle of the Juvenile Act, which is to guarantee the sound upbringing and the right to growth and development of juveniles, has been greatly regressed. We will work to improve the juvenile justice system so that it can fulfill its original role. At the same time, in order to protect juveniles, it is necessary for lawyers to be involved as attendants in all juvenile cases, and the number of cases eligible for court-appointed attendants was expanded in 2014. The number of cases eligible for court-appointed attendants was expanded with the amendment of the Code of Criminal Procedure in 2016. As the scope of the court-appointed defense system for suspects was expanded in June 2018 to include all cases in which the suspect was detained, the problem of not being able to appoint a court-appointed attendant after the case is sent to the family court has arisen again, even if a court-appointed defense counsel for the suspect has been appointed. We will continue to work toward realizing a full court-appointed attendant system.

In addition, the 2014 amendment expanded the scope of cases subject to prosecutorial involvement and lifted the upper limit of fixed-term sentences. We will keep a close eye on these changes to ensure that they are not applied in a manner that is detrimental to the purposes of the Juvenile Act, i.e. the sound development of juveniles.

10 Violation of human rights in institutions

In correctional institutions such as juvenile training schools and welfare institutions such as children's homes, there have been no end of human rights violations, such as corporal punishment by staff and bullying among children. The JFBA has been calling for measures to prevent human rights violations so that children in these facilities can live safely. In correctional institutions, this has been achieved through an inspection committee composed of lawyers and other third-party experts.

In the future, we will train lawyers who can contribute as members of the inspection committee and closely monitor the operation of such committee so that it can be effective.

11 Redress for children's human rights

There are few ways for children to access the judiciary. In order to remedy children's human rights, it is necessary to allow them to request a lawyer and access human rights relief organizations without the consent of the person with parental authority, to expand the civil legal aid system, and to establish a system to publicly bear the cost of lawyers.

In addition, as the CRC noted in its concluding observations, Japan does not have an independent monitoring system to monitor the implementation of the Convention on the Rights of the Child. Some local governments have established an ombudsperson system in order to redress children's rights, and we will continue to promote such a system at the local and national levels. We will also make efforts to train lawyers who can contribute to the system.

6. Consumer Rights

There is no end to the amount of consumer damages, such as food safety, food deception and labeling problems, product and drug-related accidents, malicious business practices targeting the elderly and people with disabilities, investment damage, pyramid scheme damage among the youth, and damage related to the Internet. In addition, from the viewpoint of establishing consumer rights and positioning consumers as the right holders, it is necessary to improve various conditions such as laws and systems more than ever.

We will do our best to eliminate consumer harm, realize a safe, fair, and sustainable society for consumers, and establish consumer rights.

Specifically, we will enhance and strengthen the consultation services for various consumer issues and whistle-blowing at bar associations nationwide, promote consumer administration, improve the relevant laws and systems, enhance the judicial system, cooperate with consumer groups, and engage in various activities to realize a "consumer civil society" in which consumers play a leading role.

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1 Promotion of consumer administration

There is a disparity between businesses and consumers in the areas of quality and quantity of

information and bargaining power.

To eliminate these disparities and establish the rights of consumers, it is important for Japan to improve its laws and systems and to enhance the judicial system. As a precondition for this, it is necessary to promote consumer administration centered on the Consumer Affairs Agency and the Consumer Affairs Commission of the Cabinet Office. On the other hand, a safe, fair and sustainable society for consumers and a consumer-oriented management that respects the rights of consumers will also bring about long-term benefits to businesses. As the Consumer Affairs Agency and the Consumer Commission of the Cabinet Office saw the 10th anniversary of their establishment take place in September 2009[TMI22], it is important to further promote consumer administration in order to correct the effects of the vertical administration structure and to strengthen local consumer administration.

There is a need to shift to a society in which consumers actively and proactively participate in the development and improvement of society. Consumers are not only economic agents who choose products, services, and companies based on information, but also play an increasingly important role as agents of social change by providing support to the needy. In order for consumers themselves to fulfill this role, it is important to create the conditions for them to be able to actively participate in the development and improvement of society using their own initiative as members of a consumer civil society. For this aim, it is necessary to create a system that allows the administration, the legislature, the judiciary, consumer groups, consumers, and others to work closely together to discuss improvements in and to the system.

We call for the further promotion of consumer administration so that Japan can realize a society in which consumers can lead safe and affluent consumer lives with peace of mind.

2 Improvement of laws and systems

From the perspective of eliminating consumer damage and realizing a consumer-based civil society, it is important to change the old attitudes of (i) giving the authority to regulate vendors to the ministries of industry and development, and (ii) recognizing consumer protection only as a reflex effect. There is a need to establish the rights of consumers and improve laws and systems accordingly. This can be done, for example, through the revision of the Whistleblower Protection Act, the Product Liability Act, the Specified Commercial Transactions Act, the Consumer Contract Act and the Anti-Monopoly Act, as well as through the enactment of the Basic Act on Housing Safety. Further, this aim can be achieved through the expansion of the Act against Unjustifiable Premiums and Misleading Representations (the Premiums and Representations Act), introduction of comprehensive consumer protection legislation, enactment of the Financial Services Act, enhancement of the system for collecting, analyzing and publicizing accident information, enhancement of the recall system, enhancement of the food labeling system, regulation of unsolicited solicitations, enforcement of the suitability principle, eradication of damage from multiple debts, and expansion of the safety net.

We will continue to take proactive action to improve laws and systems in all of these areas.

3 Enhancement of the judicial system

To remove hindrances to the recovery of individual consumer damages and to enhance the effectiveness of damage recovery procedures, we will improve and revise the operation of the Lawyers Act, the Civil Procedure Code, and the Civil Execution Act to enable the collection of appropriate information that can rectify the disparity between businesses and consumers, and to improve the effectiveness of the civil execution system, which is the cause of the decline in confidence in the civil justice system as a whole.

Although the Special Act on Consumer Court Proceedings was enacted in 2013 for bringing about the collective recovery of consumer damages, the old judicial system with its heavy burden of proof, lengthy trials, and low compensatory damages remains unchanged and the Act has not been fully utilized due to its overly burdensome design. To solve these problems and realize trials for consumers, the judicial system should be improved by revising the evidence collection procedures, shifting the burden of proof, and devising specialized technical litigation trials. It is also necessary to further improve and enhance the Special Act on Consumer Court Proceedings and the ADR (Alternative Dispute Resolution) system.

In order to deprive businesses that have caused damage to a large number of consumers from retaining their ill-gotten gains and to provide relief to victims, there is a need to introduce a new litigation system that enables administrative agencies to file lawsuits for damages on behalf of consumers and to deprive businesses of their illegal profits, referring to systems already practiced in other countries. Furthermore, in order to ensure the effectiveness of these systems, it is necessary to enhance them by introducing a preservation system to prevent the concealment or dissipation of the property of business operators.

We will continue to act proactively in order to improve the judicial system.

4 Cooperation with consumer groups

In order to establish the rights of consumers, cooperation between consumers and consumer groups is more important than ever, and for this purpose, it is essential to create conditions in which consumers and consumer groups can act independently. Specifically, it is necessary to devise ways to make consumer groups economically viable, such as by providing them with financial support.

Moreover, the prevention of and relief from consumer damage to the elderly and the disabled cannot be realized without cooperation and coordination with the welfare sector (welfare organizations and government departments related to welfare). We need to further promote cooperation in the future, including active participation in local councils for ensuring consumer safety, as stipulated in Article 11-3 of the Consumer Safety Act.

We will continue to proactively promote cooperation between consumers, consumer groups, and the welfare sector.

5 Realization of a consumer civil society

To resolve the disparity in the quality and quantity of information and bargaining power between consumers and businesses, and to realize a safe, fair and sustainable society, it is necessary for consumers to be provided with sufficient information and for everyone to receive systematic consumer education. The 2012 Act for the Promotion of Consumer Education is not just limited to the mere acquisition of knowledge

for the prevention of consumer damage, but also aims to encourage people to choose companies with a critical mind, to reform society, to consider the environment and SDGs (Sustainable Development Goals), and to contribute to international society. In addition, with the planned lowering of the age of majority to 18 under the Civil Code in April 2022, it is necessary to drastically improve consumer education for young people.

With the change to a time where consumers are free to choose from who to buy, businesses should also aim to form a safe, fair and sustainable consumer civil society, be aware of their own corporate social responsibilities, and work toward the realization of a society where consumers and businesses can both enjoy benefits (consumer-oriented management).

We will proactively move toward the realization of a "consumer-based civil society.

7. Workers' Rights

We will work toward achieving the goals described below in order to establish workers' rights and realize their enjoyment of decent, fulfilling work.

1. A fundamental review of labor laws and policies from the perspective that regular employment should be the rule and that non-regular employment, including fixed-term employment, should be limited to exceptional cases with justifiable reasons.
2. Improvement of labor laws and regulations for the protection of non-regular workers, including realizing equal and balanced treatment for part-time workers, dispatched workers and contract workers, preventing unfair hiring freezes and lay-offs of temporary workers, and realizing deemed employment for illegal dispatched workers.
3. Monitoring and correction of violations of labor laws and regulations, such as long hours in overcrowded work, non-payment of overtime wages, violations of occupational safety and health, multiple dispatching and disguised contracting.
4. Eradication of human rights violations in the workplace, such as power harassment and sexual harassment.
5. Achieving a significant increase of minimum wages
6. Establishment of an easy-to-use and highly effective vocational education and training system.
7. Promotion of the enactment of public contract ordinances.

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1 Deregulation of labor legislation

The Constitution of Japan stipulates the rights and obligations of the people to work, and statutory standards for working conditions, and guarantees the right of workers to organize, engage in collective bargaining, and take collective action (the right to dispute). The Labor Standards Law, the Labor Contract Law, the Labor Union Law, and various other laws and regulations have been established to guarantee these

constitutional rights.

While these labor laws and regulations provide very important rules to protect the lives and health of workers, deregulation has been promoted under a market-centered policy.

The Worker Dispatching Act (Act for Securing Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers) has been repeatedly amended to expand the scope of jobs covered and to relax the contract period for fixed-term work. Under the amendment made in September 2015, dispatched workers are classified according to whether they are employed for a fixed term or an indefinite term by the dispatching undertaking, and the term limit is abolished for dispatched workers employed for an indefinite term by the dispatching undertaking. For dispatched workers who are employed for a fixed term, a term limit of up to three years has been set for individual dispatched workers. However, it has become possible for clients and dispatchers to extend and perpetuate dispatch work as long as they replace the dispatched workers after every three years, and the regulatory principle of preventing the substitution of regular workers, which is derived from the principle of direct employment, has become almost obsolete.

In the Worker Dispatching Act, the following is needed from the viewpoint that regular employees should be the general rule: total prohibition of registered dispatching as well as manufacturing dispatching; restriction of worker dispatching other than for temporary jobs; stricter restriction of dispatch period per job; deemed system of direct employment under the same working conditions as regular employees in the case of illegal dispatching; equal treatment between dispatched workers and regular employees of clients, etc.

Moreover, the Labor Contract Act has been amended to grant workers the right to apply for an indefinite term change for fixed-term labor contracts of more than five years, and to prohibit unreasonable discrimination on the basis of fixed-term labor contracts. However, with regard to the conversion of fixed-term labor contracts to non-permanent contracts, the upper limit of the "total contract period" for fixed-term labor contracts should be set at a maximum of three years, and if the upper limit is exceeded, there should be an exit regulation that deems the contract to be converted to an indefinite contract, and there should be no "blank period" when calculating such period.

2 Work Style Reform Act

In June 2018, the Work Style Reform Act was enacted and stipulated the upper limit of overtime work (45 hours per month, 360 hours per year), the compulsory taking of at least 5 paid holidays per year, prohibition on discriminatory treatment of non-regular workers in terms of wages and other work conditions when they are assigned the same as those of regular workers, and "make-efforts obligations" to have interval hours between work assignments. Though insufficient, these provisions contribute to improving the status of workers.

However, in the case of extraordinarily special circumstances, overtime work is extended up to 720 hours per year, the total of overtime and holiday work is limited to 100 hours per month, and less than 80 hours in any average of one or six consecutive months. In addition, a highly specialized and results-oriented labor system (the highly skilled professional system) has been introduced to exempt highly skilled professionals

who earn more than a certain level of income from working hour regulations. These measures could encourage long working hours, and threaten the lives and health of workers.

3 Current situation surrounding workers

The economic circle has changed the conventional employment system by limiting lifetime regular employees only to key positions and shifting professional and general employees to fixed-term non-regular employees who do not receive raises, retirement benefits or pensions. In order to build "a system that can mobilize the right number of workers with the right skills at the right time," and thereby reduce labor costs and convert fixed costs into variable costs, leading companies have carried out large-scale restructuring, reducing regular employment and rapidly replacing it with various forms of non-regular employment, such as part-time, contract, temporary and contract workers.

Even when non-regular workers are engaged in the same work as regular employees, their status is unstable and they are paid less, and it cannot be said that they are given equal and balanced treatment. As a result, there are many non-regular workers who are driven into living below the level of public assistance. In recent years, there has also been a problem of suspension of employment due to the effect of converting fixed-term employment contracts into permanent ones. On the other hand, regular employees also face the problem of destabilization of their positions due to cutbacks, forced resignations, and dismissals.

Moreover, the problems of long working hours and excessive quotas remain unresolved, and there is no end to the number of companies that force their employees to work in a poor working environment, as the terms "black companies" and "black part-time workers" have taken root, and cases of suicides due to overwork have been widely reported. Long hours of overcrowded work are rampant, resulting in not only overwork deaths due to brain and heart diseases, but also many suicides caused by overworking. In addition, many workers suffer from mental and neurological disorders such as depression and autonomic dysfunction, which can lead to problems such as family breakdown. Moreover, there are violations of the Labor Standards Law, such as not paying overtime wages or forcing workers to work overtime even though they do not fall under the category of managers and supervisors. Violations of the Worker Dispatch Law, such as double or triple dispatching and disguised contracting, are also rampant.

Furthermore, "bullying and harassment" in the workplace are also noticeable. Sexual harassment and power harassment of female workers, especially non-regular workers, single mothers, and new recruits, are prominent, and many victims are forced to resign or develop mental or nervous disorders due to such sexual harassment and power harassment.

The labor administration needs to actively rectify such various violations of the law and problems occurring in the workplace, but it must be said that the number of personnel at the Labor Standards Inspection Office is inadequate and should be increased in order to establish a supervisory system that ensures thorough compliance with the Labor Standards Law. Since July 2018, some of the work of the Labor Standards Inspection Office has been outsourced to the private sector, including to labor and social security attorneys, and it is necessary to keep a close watch on whether appropriate labor supervision administration is being carried out.

4 Our activities

The purpose of work is not limited to simply maintaining one's livelihood, but it is also an activity that allows a person to recognize his/her identity and to find a “purpose” in life.

We believe that all people should be able to do work that preserves their dignity as human beings (decent work), and their rights, freedom, equality, and security of life must be guaranteed.

Specifically, we will continue to oppose the deregulation of labor laws and regulations, protect the rights of non-regular workers by calling for a fundamental revision of the Worker Dispatch Law, establish labor policies and labor laws that make regular employment the basic principle, establish the principle of equal treatment, substantially raise the minimum wage, and ensure that all people are able to exercise their abilities and work in a humane manner free from discrimination. In addition, we will actively engage in various activities, including consultation and support activities, with the aim of eradicating illegal acts in violation of labor-related laws and regulations, eradicating power harassment and sexual harassment, etc. We will actively develop various activities, including consultation and support activities. We will also request that local governments throughout Japan actively enact ordinances regulating public contracts in order to ensure proper working conditions for those who engage in labor based on public contracts, and will request that the national government enact the Public Contract Act and support local governments in enacting public contract ordinances.

8. Poverty and Human Rights

It is necessary to improve the social security system in order for all people to maintain a healthy, cultural and minimum standard of living and avoid falling into poverty. We will call on the national and local governments to implement effective measures to alleviate poverty and economic disparity, including a review of the social security system, which includes the realization of pensions, medical care, and nursing care based on the universal principle of tax revenue, and the development of a public financing system.

With regard to the public assistance system, we demand that the right to apply for public assistance not be infringed upon, that the reduction in the standards for public assistance be promptly ceased and the standards be restored to their original levels, that the system be actively utilized, and that the system be revised to guarantee the right to life.

We also call for policies to eliminate the worsening poverty of women and children.

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1 Increase in the poverty rate and factors thereof

In today’s Japan, poverty and inequality are rapidly increasing, while the number of people who are unable to maintain a “healthy and cultural minimum standard of living” is also increasing.

Moreover, the number of unemployed persons is increasing, and the number of working poor people, who cannot earn enough to lead a humane life because of unstable employment and low wages, is also seeing

a rapid increase. Many people have taken out loans from consumer credit companies and fallen into an even more precarious situation. Large number of people are also excluded from society, and die of starvation. People choose to end their lives due to a range of complicated causes, many of which are linked to economic problems.

In recent times, people have been losing the stability of their daily lives, suffering from anxiety, and losing one thing after another that they have accumulated during their lives, such as work, family, savings, housing, health, contact with people, and love, and are being excluded from society.

The increase in the numbers of people in need and the worsening of poverty are mainly due to the "structural reform" policies of the Japanese government, which promoted "deregulation" and a review of government activities ("small government" and "from the public to the private sector") under the "market-centered" policy of removing obstacles to the market and growth. In the field of labor, "deregulation" has caused companies to replace regular employment with non-regular employment, which has led to an increase in precarious employment situations and low-wage work. In the field of social security, the government's review of its activities toward "small government" has led to the suppression of social security expenses and an increase in the burden of social security, as if to add to the weakness of the safety net that supports working families.

In addition, since "structural reform" is a policy of deregulation and intensified market competition, it has widened the gap in business performance among companies, which in turn has widened the economic gap between the wealthy and the needy.

2 Guarantee of the right to life

Under these circumstances, the right to life is being threatened by various challenges. Many workers are not covered by unemployment insurance, and only one out of five workers receives unemployment benefits. In the National Health Insurance system, which 30% of the population is enrolled in, the sickness allowance and maternity allowance are voluntary benefits depending on the decision of the local government. In reality, however, there is usually no payment. Moreover, the amount of the national pension is extremely low, the number of low-income elderly people is increasing, and the basic disability pension is extremely insufficient as a livelihood security for people with disabilities.

At the application counter for public assistance, which is considered to be the last social security safety net, there is a rampant practice of not even accepting applications on the grounds that the person is "capable of working," "has a dependent," "is homeless," or "is paying a high cost for house rent," which is clearly illegal. In addition, the government has recently abolished the old-age supplementary allowance and the additional allowance for mothers and children (the latter is reinstalled), and forced the reduction of the standard amount. With the current rise in poverty and disparity, any reduction of social security, such as a reduction of welfare payments, will only add to the worsening of the situation.

Looking at the current operation of the public assistance system, under the guise of "protecting those who are truly deserving of protection," the "catch rate" is kept extremely low, and it is estimated that the percentage of people who actually receive public assistance is only about 20% of those who can use the

system. This is partly due to the lack of appropriate consultation activities and advice by the government for those who have the right to use the system, while also being partly due to the lack of sufficient publicity and information to make the system more widely known.

Moreover, the Public Assistance Law is only partially applied to foreigners.

In this way, the safety nets, such as the public assistance system, are becoming increasingly dysfunctional, creating a structure that directly leads to the collapse of livelihoods when income declines due to illness or unemployment. The impact on children is particularly serious, with poverty also spreading thereto.

Due to the weakness of schooling assistance for compulsory education courses and the rising cost of higher education, poor families are forced to bear an excessive financial burden for the cost of their children's education. As a result, they are unable to secure sufficient opportunities for their children to receive education, and the cycle of poverty continues unabated.

There is a lack of policies that emphasize early support for children and a safe childcare environment.

In order to ensure that all children have the right to quality childcare and can enjoy the same, it is necessary to achieve the quantitative expansion and qualitative improvement of childcare facilities.

In particular, the relative poverty rate for single-parent families exceeds 50%, and social support from the perspective of supporting the upbringing of children by society as a whole is essential.

3 Responsibilities of the national and local governments and our activities

In the first place, the state and local governments have an inherent responsibility to break the cycle of poverty and realize the dignified existence of all people, in reference to Article 25 of the Constitution that guarantees the right to live a healthy and cultured life, Article 13 of the Constitution that calls for the utmost respect for the right to pursue happiness based on the principle of individual dignity, Article 14 of the Constitution that calls for the realization of the "right to an adequate standard of living" for all people, and Article 11 of the International Covenant on Economic, Social and Cultural Rights that calls for the realization of the "right to an adequate standard of living" for all people.

Therefore, we strongly urge the state and local governments to face up to the reality of growing poverty and economic disparity, and to implement various measures to correct the same. Specifically, we call for the enactment of a basic law on social security and the formulation of a grand design for social security; a review of the social security system, including the realization of pensions, medical care, and nursing care based on a universalist approach using tax revenue sources; a shift from a social insurance-centered approach; and the construction of a safety net to guarantee a human life, including the enhancement of the public financing system. In particular, with regard to the public assistance system, which is the last safety net, we aim to improve its operation, restore old-age benefits, restore the standard of public assistance, and realize the JFBA's draft outline for revising the Public Assistance Law, so that the system can function fully. Moreover, based on the Act on Promoting the Policy on Child Poverty, we call for a survey of the actual situation regarding poverty and the implementation of measures that set deadlines and targets. We also call for the enhancement of social security policies from a broad perspective, such as job training, medical care, and housing, as well as the promotion of suicide prevention and the restructuring of the tax system in

accordance with tax-bearing capacity.

9. Guarantee of the Rights of Foreigners, Refugees and Ethnic Minorities

1.We will make efforts to establish the human rights subjectivity of foreign nationals and the inherent rights of ethnic minorities, and actively contribute to the construction of a society in which people with foreign roots can live together. We will operate a residence system that complies with human rights treaties, ensure access to medical care, social security, etc., eliminate unfair discrimination and unreasonable restrictions on the rights of people with foreign roots, prevent words and deeds that incite hatred against specific ethnic groups, and ensure that the government and local governments provide Japanese language education and educational opportunities to ensure ethnic identity. For these purposes, we call for the enactment of the Basic Law on Human Rights for Foreigners and Ethnic Minorities.
2. With regard to the debate on the acceptance of foreign labor, we will continue to call for the abolition of the technical internship system, and from the perspective of guaranteeing the rights of foreign workers in general, we will actively express our opinions and reflect them in our policies.
3. With regard to refugees, we believe that a system should be established to ensure that all “refugees” under the Convention are recognized and protected. To this end, we aim to establish a new refugee recognition organization, guarantee proper procedures, and develop a system to guarantee the livelihood of applicants and those who have been granted refugee status.
4. From the viewpoint of guaranteeing human rights, we will consider and propose the revision of the Nationality Act.

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1 Foreigners

With the revision of the Immigration Control and Refugee Recognition Act, the acceptance of foreign workers is now being actively discussed. The technical internship system, which has seen a series of human rights violations, is still in place, and there still remain issues to be resolved regarding how to provide support to foreign nationals who have been in Japan on a regular basis. The movement of people across national borders will continue to flourish, and the number of foreign nationals residing in Japan is expected to increase and diversify. However, the legal system concerning foreigners in Japan is solely for the purpose of residency management, and there is no law that aims to guarantee the human rights of foreigners. Courts have also maintained the position of the Supreme Court's decision in the McLean case that “human rights of foreigners are guaranteed only within the framework of the residency system”.

All foreigners residing in Japan, regardless of their legal status, are entitled to enjoy human rights. We will continue to call for the enactment of the Basic Law on the Human Rights of Foreigners and Ethnic Minorities, and contribute to the construction of a society in which people with foreign roots can live together in harmony. In addition, we will continue to actively express our opinions with regard to the debate

on the acceptance of foreign workers, from the perspective that an appropriate acceptance system should be established and the rights of foreign workers should be guaranteed after acceptance.

(1) Participation in the public sphere: We call for participation in legislation, including the granting of local suffrage to permanent residents, participation in public administration, including the appointment of public officials, and participation in the judiciary. From the standpoint of participation in the judiciary, we will seek the appointment of foreign nationals as arbitrators. We will also call for the abolition of unreasonable discrimination in the promotion of civil servants.
(2) Immigration control: Under international human rights law, the discretionary power of the State over residency management is limited from the viewpoint of the right to protection of family life, the rights of the child, and the right not to be subjected to inhumane treatment. These are stipulated in the Constitution and in international human rights conventions. We will work to prevent unjustified refusal of residency or entry into Japan, as well as to increase the transparency of immigration procedures in general, including the operation of the special permission system for residency, and to seek urgent improvements in human rights violations such as unjustified long-term physical restraint, abuse, and inadequate medical care in immigration detention facilities.
(3) Labor and social security: We will work to ensure that foreign workers are practically guaranteed their rights under labor laws and regulations. We aim to abolish the technical internship system as soon as possible, and we will demand that appropriate support be provided for foreign nationals under the specified skilled worker program introduced by the revision of the Immigration Control Act.

In addition, it is important to provide foreign nationals with medical care, pensions, public assistance, and other social security services, as well as legal aid systems, as much as possible in the same manner as Japanese nationals. In addition to establishing the right of permanent residents to receive public assistance as a legal right, we will demand that foreigners who do not have legal status of residence be granted a minimum level of social security, including medical protection and maternal and child health care.
(4) Female victims of trafficking in persons and domestic violence: It is important to operate a system that effectively helps foreign victims of human trafficking and domestic violence. We will seek to improve the residency management system so that foreign spouses of Japanese nationals and other foreign nationals seeking relief from domestic violence can be guaranteed residency.
(5) Education: The government should guarantee the opportunity to receive education regardless of the legal status of foreign residents, take measures to improve Japanese language education for children and adults, and systematically guarantee opportunities for education in one's mother tongue and native language in public education, as well as various educational opportunities including ethnic schools and schools for foreigners.
(6) Korean Residents in Japan: We will strive to eliminate all forms of legal discrimination against resident Koreans and other permanent residents. We will also seek redress for the problem of severely disabled people without pensions and their de facto exclusion from the pension system due to the non-retroactivity of the nationality clause. At the same time, we will work toward providing legal support to eliminate

discrimination in society, such as bullying against students attending Korean schools, tenant discrimination, etc.

Those who do not have Japanese nationality are considered "ethnic minorities" as stipulated in Article 27 of the International Covenant on Civil and Political Rights (General Comment 23 of the ICCPR). On the other hand, every year around 10,000 Korean residents in Japan acquire Japanese nationality through naturalization, and the number of cases where children acquire dual nationality through marriage with Japanese nationals is increasing. The rights of Korean residents in Japan, including those who have Japanese nationality, to maintain their own culture and use their own language in Japan must not be obstructed. We call on the government to eliminate discrimination in subsidies for Korean schools and other ethnic schools, school subsidies in connection with the introduction of free public high school tuition, tax measures, and university entrance qualifications.

(7) Opposition to speech and acts that incite racial hatred: The Act on the Elimination of Hate Speech (the Act on Promotion of Efforts to Eliminate Unjustifiable Discriminatory Acts against Persons from Outside Japan) was enacted on May 24, 2016. With the enactment of such Act, it was determined that hate speech must be eliminated, but the Act does not clearly prohibit hate speech, nor does it include any new legal regulations. In addition, the Act sets out the scope of groups of people who are targeted as those originating from outside the country, and discriminatory treatment is not regulated.

In addition, the Act on the Elimination of Hate Speech stipulates that the national and local governments should take necessary measures, including education, to address hate speech, but sufficient measures have not yet been taken. Moreover, there is a disparity in the measures taken by local governments.

Hate speech degrades the dignity of individuals and impairs personal rights guaranteed by Article 13 of the Constitution of Japan. This can never be condoned from the perspective of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Taking the effectiveness of the Act into consideration, we will aim for the enactment of a basic law that covers discriminatory treatment and widely prohibits discrimination based on ethnicity, nationality, race and descent. We will also study and propose issues that should be addressed to eliminate hate speech and prejudice and discrimination against foreigners, and ask the government to implement the same.

2 Refugees

In response to the recommendations of the JFBA, the refugee recognition system enforced in May 2005 was revised to create a new "appeal" system in which scholars, lawyers, and other outside experts are involved in the appeal (secondary) procedures for refugee denial (primary). After the revision of the Administrative Appeal Act in April 2016, the name of the system was changed to the "request for examination" system, but except for replacing "refugee examination counselor" with "hearing examiner," the system framework since 2005 has been maintained without substantial changes.

In the midst of these changes in the system, the number of refugee statuses and the recognition rate for both primary and secondary procedures once showed a large increase immediately after the amendment

came into effect in 2005. However, by 2009, both the number of recognized cases and the recognition rate began to decline, with the number of cases falling to a level seen before the 2005 revision and the certification rate falling to an extremely low level (primary recognition rate: less than 0.5%, secondary acceptance rate: less than 0.05%), far lower than that seen before the 2005 revision. In the midst of this situation, since 2013, there have even been some cases where the Minister of Justice has dismissed an application contrary to the opinion of the Refugee Review Counselor.

On the other hand, if we look at the status of those who are applying for refugee status, we can see that the Ministry of Justice, in the name of preventing "abuse," has twice announced a review of the system in September 2015 and January 2018. As a result, the status of applicants has become more vulnerable than before, and there has been a rapid increase in the number of applicants who are not allowed to work or join health insurance and those who are not eligible for public assistance.

In light of the situation described above for the past 10 years, it is clear that a refugee status recognition organization that is independent of the Ministry of Justice and that possesses expertise is necessary in order to protect proper genuine refugees without fail, as the JFBA has long proposed. In addition, even under the current system, there is a need to resolve urgent issues such as the disclosure of all evidence, the enhancement and sharing of information on countries of origin, and ensuring the expertise and independence of refugee examination counselors.

From this perspective, we will continue to aim for the establishment of a new refugee status organization, the promotion of proper procedures under the current system, and the realization and enhancement of livelihood security for those applying for refugee status and those who have been granted refugee status.

3 Ethnic minorities and indigenous peoples

(1) Obligation to take positive measures

Article 27 of the International Covenant on Civil and Political Rights (ICCPR) stipulates the obligation of states to take positive measures to protect the rights of ethnic minorities. We urge the government to provide opportunities for the Ainu people to learn about their unique culture, history and language at public expense.

(2) The Ainu people

In April 2019, the so-called New Ainu Act (the Act on the Promotion of Measures to Realize a Society in which the Pride of the People of Ainu Culture is Respected) was enacted. However, economic disparity and structural discrimination against the Ainu people still exist. We call on the government to bring its Ainu policies into line with the UN Declaration on the Rights of Indigenous Peoples, and to take measures to rectify discrimination and restore their rights. In addition, we will strengthen our efforts to ensure that indigenous peoples' cultural rights include the right to ethnic education and the right to land and resources.

4 Nationality

In line with the recent amendment of the Immigration Control Act to increase the number of foreign workers, the nationalities of foreigners in Japan are expected to become more and more diverse. In addition,

international marriages are commonplace, and the nationalities of children with Japanese roots are becoming more and more complicated. The nationality selection system was adopted to prevent multiple nationalities, but in the rest of the world, the majority of countries allow for multiple nationalities. The practical operation of the Japanese government is unclear, and it cannot be said that its application is widely known to the parties concerned.

Maintenance of such a system may infringe upon the rights of children whose parents have different nationalities, or wives who have acquired multiple nationalities through marriage with foreign nationals, to not be arbitrarily deprived of their nationality.

Nationality is deeply connected to the identity of the individual, and as society becomes more diverse, there is an increasing need to ensure that people are not deprived of the nationality they acquired by birth without their own will. From these perspectives, we call for at least limiting the scope of application of the nationality selection system, and in the future, considering the total abolition of such system, as well as actively considering the acceptance of multiple nationalities. Furthermore, we will propose a nationality system that is appropriate for modern society, where the international flow of people has become more active, from the perspective of protecting human rights.

The system of reservation and loss of nationality may infringe upon the right not to lose one's nationality, and may violate the principle of equality compared to the procedure for acquiring nationality for illegitimate children under the Nationality Act, which was revised based on Supreme Court decision.

In addition to reviewing the operation of the granting of Japanese nationality at birth to children who cannot inherit their parents' nationality and would otherwise be stateless, we will also review related laws from the perspective of protecting stateless people and establish a statelessness recognition procedure. We will also provide support through judicial procedures and legislative proposals as necessary.

10. Establishment of Human Rights in Regard to Life, Health and Medicine and Medical Care

We aim to preserve human dignity and establish human rights related to life, health, medicine, and medical treatment.

We will seek the enactment of Acts concerning patients' rights, protection of human subjects, and reproductive medicine, to properly regulate medicine and medical treatment.

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Everyone has the right to enjoy the highest attainable standard of physical and mental health (Article 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights). At the same time, they have the right to demand that the nation establish a system to ensure the quality of medical care by developing a system that enables everyone to receive safe, high-quality medical care on an equal basis. We also have the right to be protected as subjects of medical research, which states that "No one shall be subjected to medical or scientific experiments without his/her free consent" (Article 7, International Covenant on Economic, Social and Cultural Rights).

We have adopted the Declaration on the Establishment of Patients' Rights (1992 JFBA Human Rights Protection Convention), the Resolution on the Prevention of Harm to Medicines and the Establishment of a System for the Relief of Victims (1998 JFBA Human Rights Protection Convention), the Resolution calling for the establishment of rules for advanced medical treatment and medical research on human birth, fertilized eggs and embryos (2003 JFBA Human Rights Protection Convention), the Declaration on the Realization of the Right to Safe and High-Quality Medical Care" (2008 JFBA Human Rights Protection Convention), the Resolution for the Enactment of a Law on Patients' Rights (2011 JFBA Human Rights Protection Convention) and the Proposal for the Outline of the Law on Patients' Rights (2012). As indicated in this series of Declarations, we will strengthen our efforts to enact a law on patients' rights, a law for the protection of human subjects, and reproductive medicine therapy, as well as to realize a medical accident investigation system and a victim relief system.

1 Enhancement of the medical accident investigation system

Receiving safe and high-quality medical care is one of the rights of patients and a sincere wish for all people, but there have been a number of medical accidents that have caused damage to patients' lives and bodies. However, medical accidents that cause damage to the lives and bodies of patients continue to occur, and it is necessary to have a system that investigates medical accidents, analyzes causes, prevents recurrence, and utilizes results for medical safety.

As stated in the Declaration on the Realization of the Right to Safe and High-Quality Medical Care (2008 JFBA Human Rights Protection Convention) and other documents, we need a system in which autonomous, fair and objective investigations are conducted within medical institutions where medical accidents occur. In 2014, the Medical Service Act was amended to introduce the Medical Accident Investigation System, but there are still issues to be addressed, such as the facts that the system is limited to fatal accidents, the bereaved families do not have the authority to request an accident investigation, and the neutrality and fairness of in-hospital accident investigations are insufficient.

Based on the actual implementation of the system, we will continue to work toward the realization of a medical accident investigation system in which medical accidents are properly investigated and utilized for medical safety.

2 Medical care delivery system

Deterioration of the healthcare delivery system is a factor that threatens the safety and quality of healthcare. Accordingly, we call on the government to take sufficient budgetary measures to solve the shortage of doctors and nurses, improve the working conditions of doctors, etc., enhance the emergency medical care system and regional medical care system, and develop a human and material medical care delivery system that is suitable for providing safe and high-quality medical care. While some of these measures have been achieved through the 2004 amendment to the Medical Service Act, we will continue to demand that the system be developed from the perspective of the right to medical care, as it has a strong emphasis on the efficient distribution of medical care.

3 Leprosy

The policy of segregation against leprosy is one of the most unprecedented human rights violations in Japan that was implemented in the name of the law. However, the JFBA failed to make sufficient efforts to abolish the policy, and even though a petition for human rights redress was transferred to the JFBA in August 1996, it took too long to investigate and make recommendations.

In June 2001, the JFBA recommended that the government provide financial support to former leprosy patients, implement appropriate medical measures, and eliminate prejudice and discrimination. In November of the same year, the JFBA adopted a special resolution calling for a comprehensive solution to the problem of leprosy in recognition of its own responsibility for overlooking human rights violations against leprosy patients.

However, human rights of people affected by leprosy have not yet been fully restored. In March 2005, the Ministry of Health, Labor and Welfare (MHLW) released the final report of the Verification Conference on Leprosy which declared that isolation courts constitute a violation of the Constitution. In addition, even though the issue of segregation courts falls under discrimination against people affected by leprosy in the judicial arena, the JFBA did not take any concrete action until it received a request from the National Council of Hansen's Disease Sanatorium Residents in August 2015. After that, we conducted an investigation and verification.

In October 2017, the JFBA adopted a resolution on the responsibility of the judiciary in leprosy segregation courts and apologized for the delay in its efforts. We apologize again for this delay and will continue to address the issue of leprosy so that former leprosy patients and their families can recover and live in society with peace of mind.

4 Brain death and organ transplantation

In 1997, the Act on Organ Transplantation was enacted and implemented. For patients who have provided a written expression of their willingness to have their organs removed and donated in the event of brain death, organ transplantation at the stage of brain death is now permitted. However, problems such as non-compliance with brain death determination methods have arisen in actual organ transplants since such Act came into effect.

The JFBA has pointed out that the framework of the Act, which is based on the principle of self-determination, should be maintained, and that the criteria for organ transplantation should meet the definition under the Act.

However, in July 2009, an amendment to the Act was passed in order to allow organ transplants even in cases where the patient has not expressed his or her wish to reject the transplant and the family has given their consent. This amendment disregards the right to self-determination and effectively forces parents to make decisions regarding their infants and small children.

We will continue to demand that the Act be amended to fully guarantee the right of self-determination of brain-dead patients. We will also demand that the implementation of the amended Act be made public

in detail, so that we can verify its contents and tackle the issues surrounding organ transplants.

5 Medical treatment in the terminal stage (the last stage of life)

Not only stopping or not starting so-called life-prolonging treatment, but also the state of medical care at the end of life (the final stage of life) is a serious issue that concerns the rights of patients. While the Ministry of Health, Labor and Welfare (MHLW) and various academic societies have issued guidelines, in May 2007, the JFBA issued a written opinion on the "Draft Outline of the Law Concerning the Cessation of Life-Prolonging Measures in Brain Death" by the Diet Members' Caucus for the Legislation of Death with Dignity. In March 2012, we opposed the "Draft Law on Respect for Patients' Intentions in Terminal Care" and established a project team to conduct research on the legalization of "death with dignity".

With the development of a super-aging society, it is essential for everyone to be able to receive medical treatment and nursing care in their own way.

6 Prevention and relief of damage caused by medicines

In Japan, there have been repeated incidents of drug-related harm. We aim to create an independent body that has the authority to investigate and make recommendations and in which victims of drug-related harm and citizens can participate as committee members, to improve the system for relief of damage caused by adverse drug reactions, and to actively work for the prevention of drug-related harm and relief from damage.

7 Advanced medical and medical science research

The extent to which advanced medical and medical science research is permitted should be determined by law, and it is necessary to reflect the diverse opinions of all segments of society from the drafting and other planning stages. In recent years, efforts have been made to apply genetic modification through genome editing to medical treatment, but if advanced medical and medical research, especially that regarding human birth, fertilized eggs, and embryos, is carried out without any legal restrictions, human dignity itself may be violated, and careful discussions must be held in such areas.

We call for the establishment of an independent administrative body with citizen participation that collects and investigates information in the field of advanced medicine and medical research, provides information to citizens, and contributes to the formation of a social consensus.

8 Reproductive medicine

There has been remarkable progress in medical science concerning the birth of human beings, as well as on fertilized eggs and embryos, and the actual clinical application of reproductive medical technology is greatly expanding. These reproductive medical technologies are related to various fields such as the family, society, and culture, and many of them involve a high degree of invasion of the female body. There are various problems involved in such areas.

The JFBA has been calling for the development of laws regarding the use of reproductive medical

technologies, such as laws and regulations that prevent the abuse of reproductive medical technologies and guarantee the rights and dignity of the child.

However, even now, there are only voluntary guidelines, such as the “Bulletin” of the Japanese Society of Obstetrics and Gynecology, for a certain range of reproductive medical technologies, and no legal regulations have been established.

We have been working on the pros and cons of the use of reproductive medical technologies, as well as the ways in which they should be used, in order to prevent the abuse of reproductive medical technologies and guarantee human rights.

11. Eradication of Pollution and Conservation of the Environment

We will take action to eradicate pollution and environmental destruction, to ensure that present and future generations can equally enjoy the bounty of nature and a favorable environment, and to build a sustainable society in which environmental rights and the right to enjoy nature are established.

We will participate in and promote actions toward realizing a carbon-free society to prevent global warming.

During the period of rapid economic growth in Japan, economic activities and policies that prioritized the pursuit of profits and land development led to significant pollution and environmental destruction issues, such as air and water pollution, which deprived many citizens of their lives and health (such as those suffering from Minamata disease), and the relief for these problems is still an important issue. In addition, the severe alteration and overexploitation of the land of our nation has resulted in the disappearance of rich natural forests and wetlands such as tidal flats and lakes, causing a crisis in natural ecosystems and biodiversity, which are the foundation of human existence, as well as the destruction of urban environments such as landscapes and healthy and cultural living environments. In addition, the sound of explosions around military bases, radioactive materials from nuclear facilities, countless toxic chemicals generated by pesticides and other chemicals, fine particulate matters from automobile exhaust, illegal dumping and other waste problems, and ocean pollution caused by microplastics also pose serious threats to our safety, health, and comfort in life.

Above all, climate change caused by global warming is now recognized as a serious problem that could overturn the very foundation of human existence.

The progress of pollution and environmental destruction, global warming, and loss of biodiversity are serious human rights issues, and it is becoming increasingly important to build a sustainable society in which environmental rights and the right to enjoy nature are established.

We will take the following actions to overcome the pollution and environmental problems described above.

First, action toward the realization of a decarbonized society to prevent global warming is an urgent

issue. In light of the IPCC (UN Intergovernmental Panel on Climate Change) Special Report released on October 8, 2018, we must take action to limit the temperature increase from pre-industrial times to 1.5 degrees Celsius and stabilize the same. In order to stabilize greenhouse gas emissions to limit the temperature increase to 1.5 degrees Celsius by 2050, we will seek to promote energy conservation and renewable energy throughout society, as well as the introduction of an effective carbon tax and an emissions trading system with a cap on emissions. At the same time, we ourselves must take the initiative in reducing CO2 emissions by further promoting our own environmental management system.

Second, the relief from damage caused by pollution, such as Minamata disease, and damage caused by the sound of explosions around military bases, is still an important issue. More than sixty years have passed since the official confirmation of Minamata disease in 1958, but damage has not yet been fully redressed. Residents living near military bases have continued to file lawsuits for decades because the courts do not recognize their claims for injunctions against airplanes and future claims. We will do our best to help such residents.

Third, in order to prevent the occurrence of new pollution damage and environmental destruction, it is essential to realize environmental policies based on the principles of precaution and prevention, not just after-the-fact remedies. Furthermore, it is important to establish a system to prevent environmental destruction in advance. However, in this regard, although there have been recent advances in the area of landscape rights, which can be said to be a part of environmental rights, such as the recognition by the courts that landscape interests are worthy of legal protection, this is still insufficient. We will continue to work toward the establishment of environmental rights and the right to enjoy nature, as well as working for the establishment of a mitigation system that carries an obligation to avoid or minimize the destruction of the natural environment when making modifications thereto.

Fourth, we aim to establish a system of public access to environmental information, the participation of environmental NGOs and citizens in the policy-making process, a system of group litigation (in which qualified environmental groups can file injunctive and restorative actions for environmental protection), and a citizen litigation clause (in which citizens can file lawsuits for environmental protection). The participation of environmental NGOs in the judicial process is also an important issue, as is information disclosure, as there has been concealment of information regarding nuclear power plant accidents.

While certain legislation, such as the River Act, has been enacted to take measures to reflect the opinions of citizens, the system of citizen participation is still insufficient and fails to play an effective role.

Not only in Europe and the United States, but also in Asian countries, the approval of participation of environmental NGOs and the introduction of a clause on citizen suits are progressing, but Japan lags far behind in this field.

The Aarhus Convention (Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters), which is mainly based in the EU, has been attracting attention with regard to access to information, public participation, and public litigation provisions. We will take action to legislate and institutionalize such convention in Japan by ratifying it.

Fifth, it is also important for the JFBA and individual lawyers to take action in consideration of the

environment. In March 2008, recognizing that the preservation of the global environment is one of the most important issues common to all humankind, the JFBA, together with all of its members and staff, announced its commitment to the creation of a sustainable society. We are promoting an environmental management system to reduce CO2 emissions and will continue to develop and enhance this system.

We will do our utmost to tackle the above issues, while at the same time striving to improve environmental acts and regulations, such as the Basic Environment Law and the Environmental Impact Assessment Law, to make them more effective in order to make the 21st century truly the "century of the environment".

12. Nuclear Power Plants and Human Rights

1. We call on the government and TEPCO to provide complete and immediate relief for the damage caused by the accident at the Fukushima Daiichi Nuclear Power Plant and will do our utmost to provide relief.
2. We call for measures and legislation for health management and the prevention of health damage caused by radiation exposure.
3. We call for the withdrawal from nuclear power generation and the nuclear fuel cycle.

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1 Complete relief from damage

The accident at the Fukushima Daiichi Nuclear Power Plant (the "Accident") has caused serious radioactive contamination in Fukushima Prefecture and a wide range of other areas, and the situation is still continuing, causing various environmental problems such as the outflow of contaminated water and the disposal of waste contaminated by radioactive materials. Despite the fact that eight[TMI23] years have already passed since the accident, tens of thousands of people are still living as evacuees. In addition to the financial damage involved, many people's fundamental human rights, such as the right to life, the right to pursue happiness, the right to education, the right to work, and the right to housing, have been violated.

It is important that the national government and TEPCO recognize that they are perpetrators and are required to fully and immediately provide remedies; however, there have been a number of cases in recent years where TEPCO has not accepted the settlement proposal made by the Center for the Settlement of Nuclear Damage Disputes (the "Center"), making it difficult to recover damages.

To this end, it is necessary that: (1) the victims should be fully compensated for the lives they have been leading, and the damage that has already become apparent should be completely and promptly remedied; (2) TEPCO should comply with the decision of the Center, and the national government should take legislative measures to make the decisions of the Center legally binding on TEPCO; (3) the damage caused by the accident should be remedied in a timely manner; (4) the government should conduct a continuous damage survey and review the guidelines for compensatory damages based on the survey, emphasizing the fact that the damage caused by the accident is diverse, serious and continuing; (5) special legislative

measures should be taken to exempt all the damages paid by TEPCO to the victims from taxation; and (6) various systems should be established to realize the right to choose evacuation and to rebuild communities. We call on the government and TEPCO to provide complete and immediate relief for the damage suffered, and we will do our utmost to provide relief.

2 Health management and prevention of health damage due to radiation exposure

Health damage caused by radioactive contamination due to the Accident is also a serious issue, and it is necessary to take sufficient measures for the future to protect the health of those who have been exposed to radiation. In addition, there is an urgent need to establish laws to protect people's health from radioactive contamination in order to prevent health damage.

(1) In light of the fact that the danger posed by low-dose exposure to human health has not yet been fully elucidated scientifically, all areas where air doses are estimated to exceed 1 millisievert per year and all areas of Fukushima Prefecture have been designated as "support areas," and all areas where air doses are estimated to exceed 5 millisievert per year have been designated as "specified support areas; (2) All victims should be given the opportunity to receive multifaceted examinations, including internal exposure examinations, free of charge, and all examination results should be directly disclosed thereto; (3) A health handbook for the exposed should be issued to victims to enable lifelong health management; (4) There should be thorough health management of workers engaged in the accident containment work and decontamination work, etc.; (5) A review food safety standards should be conducted so that the annual effective dose from external and internal exposure combined does not exceed 1 millisievert, at least, in the face of the danger of internal exposure, and continue to implement the latest science from the viewpoint of the principles of precaution and prevention, and at the same time, the environmental standards should be raised as much as possible based on the latest scientific findings; and (6) From the comprehensive perspective of the past measures taken against pollution and contamination caused by radioactive materials, it is necessary to continuously and comprehensively monitor the actual situation of radioactive contamination of the air, soil, sea, rivers, etc., to ensure the environmental standards before the accident in the areas where people used to live and to prevent the spread of new contamination.

3 Withdrawal from nuclear power generation and the nuclear fuel cycle

Even today, the cause and specific circumstances of the Accident have not been clarified, and there are no prospects of establishing safety measures for nuclear power plants. Even if an accident does not occur, nuclear power plants are still associated with serious problems that are difficult to resolve, such as the treatment and disposal of radioactive waste. A particular problem here is that Japan is the country with the highest concentration of earthquakes and tsunami in the world.

In order to prevent such accidents from happening again, we should withdraw from nuclear power generation and the nuclear fuel cycle.

(1) Construction of new or additional nuclear power plants (including all those planned and under construction) should be stopped, and nuclear fuel cycle facilities such as reprocessing plants and fast

breeder reactors should be abolished immediately; (2) a safe method for disposing of high-level radioactive waste should be established as soon as possible, while respecting the consent of local residents; (3) the operation of existing nuclear power plants (including the restart of nuclear power plants that have been shut down) should not be permitted, and all nuclear power plants should be abolished as soon as possible; (4) for future energy policies, public opinion should be widely taken into account, and the promotion of renewable energy, energy conservation, and public and low-carbon energy use should be at the center of future policies; (5) the creation of regions that do not depend on nuclear power plants should be realized; and (6) the policy of exporting nuclear power plants should be cancelled as such exports may cause human rights violations and environmental pollution to the citizens of partner countries and neighboring countries.

We will do our utmost to tackle the above issues while also making efforts to improve the laws and regulations related to compensatory damages, health care, energy policy, etc., so that they will be more effective, both in terms of providing relief for the damage caused by the Accident and preventing its recurrence.

13. Natural Disasters and Human Rights

1. Japan is an archipelago of disasters, and damage caused by such disasters is unavoidable. The Great Hanshin-Awaji Earthquake, the Great East Japan Earthquake, and many other disasters in the past have put people's human rights at risk. We will do our utmost to ensure that the national and local governments provide adequate relief measures so that victims can recover from the damage as soon as possible.
2. We will work toward revising and improving the operation of existing laws and regulations, including the realization of disaster case management, with the aim of realizing "human reconstruction" for each and every victim affected by natural disasters.
3. We will continue to provide support by opening public offices, dispatching lawyers and enhancing legal consultation services in affected areas.

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During the past 30 years, a number of natural disasters has hit Japan one after another. The Great East Japan Earthquake of March 11, 2011, caused tremendous damage from the earthquake and ensuing tsunami, but reconstruction has not progressed sufficiently. After that, the Kumamoto earthquake in April 2016 and the July 2018 torrential rains have also been reported.

The Constitution of Japan is based on the fundamental principle of respect for fundamental human rights, and it guarantees a wide range of fundamental human rights from various perspectives, including life, health, equality, maintenance of livelihood, housing, relocation (evacuation), choice of occupation, family unity, and pursuit of happiness. The state of being affected by a disaster and being left without recovery are the very states in which fundamental human rights are being infringed.

We will do our utmost to ensure that victims of catastrophic disasters receive adequate support and recover from the damage as soon as possible, and to ensure that each and every such victim can realize a

“human recovery”. In addition, we will make the following efforts to ensure that victims of similar natural disasters will receive sufficient support to recover from their damage in the future.

1 Efforts to improve laws

(1) Basic Act on Reconstruction

In the event of a disaster, it is not possible to quickly take concrete measures for reconstruction by enacting a law on the reconstruction mechanism from that point on. In the case of the Great East Japan Earthquake, it took three months for the Great East Japan Earthquake Reconstruction Basic Act to be enacted. In order to prevent such problems from occurring in the future, it is necessary to enact a permanent Basic Act on Disaster Recovery and Revitalization that is in line with and establishes a mechanism for recovery from disasters based on the basic principles of the Constitution of Japan; namely, fundamental human rights, national sovereignty, and the right to live in peace. We urge the government to enshrine respect for human rights and autonomous decision-making of each disaster victim in the law.

(2) Revision and improvement of the Basic Act on Disaster Countermeasures

The Basic Act on Disaster Countermeasures stipulates the basic principles of disaster countermeasures, and the establishment of necessary disaster prevention systems by the national government, local governments and other public organizations. In conjunction with the revision and improvements in operation, we call for mechanisms to be made that reflect citizens’ opinions in the development of disaster prevention plans and the designation of evacuation areas.

(3) Establishment of disaster recovery fund

In order to implement reconstruction that fully respects the human rights of victims of natural disasters, it is necessary to effectively utilize a large amount of funds from the standpoint of victims. Therefore, the government should establish a permanent disaster recovery fund and encourage the affected areas to set up a disaster recovery fund for each large-scale disaster that occurs.

(4) Application of the Disaster Relief Act

In this regard, the Disaster Relief Act fails to take human rights into consideration and does not provide sufficient protection to victims. Therefore, we urge the government to actively use the Disaster Relief Act to provide livelihood funds, set up temporary housing on their own land, provide food to victims after they move into temporary housing, actively provide emergency repair expenses for buildings, review the operation standards for emergency temporary housing, and remove obstacles in a flexible manner.

(5) Disaster Condolence Money Act, disaster-related deaths, etc.

The Disaster Condolence Money Act has a limited scope of paying out disaster condolence money and disaster disability payments. As this is insufficient support for disaster victims, we urge the government to establish a mechanism for the prompt and widespread provision of condolence money and sympathy money, to expand the number of people eligible for condolence money and sympathy money, to increase the amount of money paid, to eliminate the difference in the amount of money depending on whether or not the living person has passed away, and to make the special measure of no interest and no guarantee for disaster relief fund loans permanent. The government should establish a review board for disaster-related deaths, appoint

a number of lawyers to serve on such board, and establish a system for collecting, analyzing, and publicizing cases of disaster-related deaths in order to prevent the same.

(6) Revision of the Act on Supporting the Reconstruction of Livelihoods of Disaster Victims

This Act designates the area of application on a prefectural and municipal basis, which means that people affected by the same disaster but in different administrative areas may not be eligible for support payments. In addition, buildings that are "half destroyed" or "partially destroyed" are not eligible for aid, and damage to the ground itself is also not eligible. The support is limited to "housing" and not to business assets that are essential for the livelihood of individual businesses. Therefore, the JFBA urges the government to improve the system so that all victims of the same disaster, regardless of the region, can receive support.

(7) Legislate guidelines for debt consolidation for victims of natural disasters

In addition to the loss or damage of assets that were the subject of existing loans due to a catastrophe, which makes repayment impossible or extremely difficult, there are cases where people must take out equivalent loans to maintain and rebuild their lives. In order to improve this system, we urge the government to take legislative measures to establish a debt purchasing mechanism to purchase the loans for damaged assets under certain conditions.

(8) Information sharing for disaster victims, people in need of assistance, and evacuees

In the event of a disaster, the personal information of those who require assistance, especially the elderly and disabled, as well as evacuees, needs to be shared among the relevant organizations, including local governments, medical institutions and welfare services, in order to confirm their safety and provide support. To this end, we will urge that a system be put in place as soon as possible so that the relevant organizations providing support can share personal information while handling the same in an appropriate manner, and so that support measures for disaster victims can be implemented smoothly.

(9) Improvement of living infrastructure in affected areas

Sumitomo Corporation will work to establish a system in which the government will bear the entire cost of restoration and reconstruction of railroads and other transportation systems in the affected areas, and provide financial assistance for the reconstruction and expansion of medical, nursing and childcare facilities.

(10) Creation of jobs in the affected areas.

To create jobs and promote reconstruction, the government should establish a system to support the revival of small and medium-sized enterprises, individuals and small-scale businesses in the affected areas.

(11) Realization of community-based reconstruction efforts

It is necessary to fully reflect the wishes of the residents of the affected areas in the fields of reconstruction and urban planning. To this end, we will call on the government to devote sufficient time and procedures to building consensus, and ensure the participation of disaster victims in the formulation of reconstruction plans.

(12) Ensuring diversity of public opinion in times of disaster

In principle, half of the decision-making bodies in each stage of a disaster (disaster prevention, emergency response, reconstruction, etc.) should be made up of women, and a system should be established

to fully listen to and hear the opinions of women, the elderly, children, foreigners, people with disabilities, sexual minorities, etc.

(13) Realization of disaster case management

In order to provide necessary support to each and every disaster victim, we will work toward realizing disaster case management in which the government, private organizations, and experts work together to provide support by grasping the situations and living conditions of each victim, formulating a plan that combines various support measures in accordance with these conditions, and implementing such plan.

2 Involvement as a bar association

In the aftermath of the Great East Japan Earthquake, the Fukushima nuclear power plant accident, the Kumamoto Earthquake in 2008, and the torrential rains in July 2008, the JFBS, the Japan Legal Support Center, and other organizations joined forces to provide telephone consultations and free legal consultations by dispatching lawyers to evacuation centers and local governments in the affected areas.

After the Great East Japan Earthquake, we set up a public office together with bar associations and federations of bar associations in the affected areas, and dispatched lawyers to local governments in the affected areas as fixed-term civil servants.

We will continue our efforts to support the victims and reconstruction of the disaster-stricken areas, while at the same time striving to improve our disaster reconstruction support system for natural disasters that may occur in the future.

14. Criminal Proceedings and Human Rights

1. In order to realize criminal justice that complies with the provisions of the Constitution and international human rights law, we will aim for the following reforms:

(1) Expanding the visualization of interrogations (recording of the entire interrogation process) to all cases.

(2) Clarifying the right to have a defense counsel present during interrogations

(3) Expanding the government-funded defense system for suspects to the arrest stage and providing a substantial guarantee of the right to appoint a defense counsel.

(4) Achieving the early abolition of the substitute prison system

(5) Establishing the right to access a defense counsel and confidential communication

(6) Improving the provisions on the delivery of documents in criminal proceedings

(7) Establishing an alternative system to pretrial detention (order to restrict residence, etc.), realizing a pre-indictment bail system, and fundamentally reforming the right-to-bail system

(8) Establishing full disclosure of evidence and creating a system of pre-indictment disclosure of evidence

(9) Achieving limitations on appeals to the prosecutor and on detention after acquittal.

(10) Guaranteeing the rights of juveniles and persons with disabilities

(11) Performing a fundamental review of the Medical Observation Act

2. We will continue to examine the jury system, and aim for a system that actively encourages public participation and better guarantees the defendant's right to defense.
3. We will continue to engage in retrial support activities, as well as relax the requirements for initiating a retrial, fully disclose evidence at the retrial request stage, abolish the system of appeals by prosecutors against decisions to initiate a retrial, and institutionalize the use of DNA analysis to prove innocence. In addition, we call for the revision of the retrial legislation in line with the general principle of the retrial system, which is to save the innocent.
4. We will recommend the establishment of an independent third-party committee with strong investigative powers in order to investigate the process of criminal procedures such as investigations, prosecutions, and trials, to thoroughly investigate the causes of errors, and to recommend improvements in the operation of various systems and legislation to prevent future cases of criminal misconduct.

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1. Realization of criminal justice in accordance with the Constitution and international human rights law

The Constitution of Japan guarantees respect for human rights and due process in criminal proceedings, and international human rights laws such as the International Covenant on Civil and Political Rights (Civil Liberties) stipulate standards for the treatment of detainees. However, the reality of criminal justice in Japan is fraught with problems, and it is difficult to say that due process as stipulated in the Constitution is truly implemented. In Japan, it is imperative that the criminal justice system truly realizes criminal procedures in accordance with the Constitution and international human rights law. It is necessary to establish the principle of non-restraint of the body, drastically shorten the period of detention, and realize a system that prevents unfair investigation.

In 2016, the Law for Partial Amendment of the Code of Criminal Procedure, etc. was enacted, making it mandatory to record the entire process of interrogation of suspects in some cases, and all of such provisions has come into force by June 2019. This law has realized several important systemic amendments, such as the expansion of the court-appointed defense system for suspects to all cases of detention, the enhancement of evidence disclosure such as the issuance of a list of evidence, and the clarification of the circumstances to be taken into consideration when determining discretionary bail, and can be evaluated as a definite step forward in criminal justice reform as a whole. To make further progress, it is essential to continue to collect and analyze cases that can serve as legislative facts for the review after three years of enforcement. In addition, it is necessary to continue to make further efforts to realize resolutions for the remaining issues.

(1) Expanding the visualization of interrogations (recording and transcription of the entire interrogation): In order to prevent illegal and unfair interrogations, it is essential to record the entire interrogation process, not just part of it. The recording of the entire interrogation process helps to ensure the appropriateness of the interrogation, and the recording media can also be used as evidence to determine the voluntariness of statements.

As a result of the amendment of the Code of Criminal Procedure in 2016, the obligation of recording is imposed only in cases of interrogation of suspects who have been arrested or detained in cases subject to a

jury trial and cases of independent investigation by the public prosecutor. To prevent false accusations, the scope of the interrogation recording system should be expanded to require the recording of the entire interrogation process, including the interrogation of suspects at home and witnesses. In addition, in order to fairly judge the voluntariness of statements, recording should not be conducted in an inappropriate direction that may cause bias, and the current method of filming a suspect from the front should be changed to filming both a suspect and an interrogator equally from the sides. There are some judgments that express concern about the use of video recordings of interrogations as substantive evidence, and careful consideration should be given to this issue.

(2) Clarifying the right to have a defense counsel present at interrogation

It is during the interrogation process that people suspected of having committed a crime most need the assistance of a defense attorney. However, in practice, even if the suspect or defense counsel requests to be present, the investigating agency usually conducts the interrogation in the absence of the defense counsel, thus preventing the defense counsel from providing assistance during the interrogation. We call for the realization of the right of defense counsel to be present during interrogations, including a stipulation in the Code of Criminal Procedure that a prosecutor, public prosecutor's assistant, or judicial police official must, upon the request of a suspect or defense counsel, allow a defense counsel to be present during interrogations and excuses. We will seek legislation which clearly stipulates that defense counsel may express opinions to the interrogator on the method of interrogation, interrupt the interrogation to give advice to the suspect, and request that the interrogation be stopped.

(3) Expanding the government-financed defense system for suspects in all cases to the arrest stage, and providing a substantial guarantee of the right to appoint a defense counsel

In order to properly protect the rights of suspects, it is necessary to have a system in place wherein defense counsel are provided in all criminal cases. In the past, there was no government-financed defense system for suspects, but since the system was introduced for serious cases in 2006, it has been gradually expanded to cover more cases. With the revision of the Code of Criminal Procedure in 2016, the government-financed defense system for suspects was expanded to cover all detention cases. The UN Human Rights Committee has recommended the government to ensure “the right to legal aid from the moment of arrest” (paragraph 18 of its Concluding Observations of the Sixth Review of Japan), and we will continue to call for the establishment of a system of defense for suspects at government expense from the arrest stage in all cases.

Arrested suspects should be guaranteed the opportunity to receive assistance from a lawyer before being interrogated, and if the suspect so requests, he or she should be allowed to meet with a lawyer before the interrogation begins. As a result of the amendment of the Code of Criminal Procedure in 2016, when the police, prosecutors or courts notify a suspect or defendant in physical custody of the right to be appointed counsel, it is stipulated that the suspect or defendant should be instructed that he or she may request the appointment of counsel. The JFBA will take measures to ensure that the right to appoint a defense counsel is guaranteed in practice.

(4) Achieving the early abolition of the substitute prison system

Detained suspects should be held in detention centers that are not police facilities. In Japan, detention facilities in police facilities are still used as “substitute prisons”, and the substitute prison system has become a breeding ground for coercing confessions by detaining people in detention facilities inside police facilities. The UN Human Rights Council, the UN Human Rights Committee, and the UN Committee Against Torture have recommended the abolition of the system at every review of the Japanese government's report over the years. In fact, the *Shibushi* case, the *Hikinoguchi* case, the *Himi* case, the *Higashisumiyoshi* case, and many other serious cases have been reported. We will continue to work tenaciously to bring about the early abolition of substitute prisons.

(5) Establishing the right to access a defense counsel and confidential communication

The Code of Criminal Procedure stipulates the right of access and confidential communication between suspects and their defense counsel. However, the interrogation of suspects sometimes takes precedence over access to defense counsel, and there are still many cases of prosecutors or police officers interviewing suspects about their access to defense counsel. In addition, the use of electronic devices in the interview room is sometimes unreasonably obstructed, and photography and recording are unreasonably restricted, which hinders the examination of evidence by electronic devices and the preservation of evidence of the suspect’s injuries and mental state by defense counsel. There are also cases where the right to confidential access is ignored in the inspection of correspondence, and where the decision to prohibit access is misused to obstruct the exchange of information. We strongly urge that investigative bodies and penal institutions refrain from infringing on the right of access and confidential communications of defense counsel and their legitimate defense activities. In addition, the right of a suspect and their legal advisor (including a would-be defense counsel) to prepare and exchange confidential documents without the detention center and investigators being aware of their contents is an internationally established right of detainees. We call for urgent changes to the current legislation that violates this right.

(6) Improving the provisions on the delivery of documents in criminal proceedings

The current provisions of the Code of Criminal Procedure and the Rules of Criminal Procedure concerning the delivery of documents in criminal proceedings include provisions that are clearly inadequate or deficient from the perspective of guaranteeing the equality of the parties. We call for the development of appropriate provisions based on the principle of equality of the parties, such as the obligation to deliver various documents in criminal proceedings to suspects/defendants and defense counsel, including the necessary delivery of certified copies of arrest and detention warrants to suspects, granting defense counsel the right to inspect and copy materials provided to judges upon request for arrest and detention warrants, and free delivery of certified copies of judgments. We will act to demand the establishment of appropriate provisions based on the principle of equality of the parties.

(7) Establishing an alternative system to pretrial detention (order to restrict residence, etc.), realizing a pre-indictment bail system, and fundamentally reforming the right-to-bail system

According to the amendment of the Code of Criminal Procedure in 2016, discretionary bail is to be determined based on the following factors: the gravity of the case, the degree of risk of the defendant destroying evidence or escaping, the nature and degree of disadvantage the defendant will suffer due to

detention, and other circumstances. The use of physical restraint to force confessions and prolonged detention of suspects and defendants has been criticized as being so-called "hostage justice". To address these problems, we call for the establishment of a number of alternative systems to pending detention, which can be selected and applied by the judge for each suspect, the realization of a pre-indictment bail system, and drastic reform of the right-to-bail system.

(8) Establishing full disclosure of evidence and creating a system of pre-indictment disclosure of evidence

Evidence collected by investigative bodies is necessary not only for such bodies themselves but also for the purpose of achieving justice. The necessity of full disclosure of evidence for the realization of proper criminal procedures and justice without wrongful trials is evident in cases such as the *Hakamada* case, where evidence proving innocence was included in the list of evidence that was finally disclosed during the procedure for requesting a retrial.

The UN Human Rights Committee expressed its concern that "prosecutors are not obliged to disclose evidence collected in the course of an investigation other than that which is to be presented at trial" and recommended "to ensure that the right to defense is not impeded and allow the defense in law and practice access to all relevant materials" (para. 26 of the Concluding Observations of the fourth review of Japan).

With the introduction of pre-trial and inter-trial procedures, as well as the introduction of a system requiring prosecutors to deliver a list of evidence kept by the prosecutor upon request by the defendant or defense counsel, the system of evidence disclosure has been gradually expanded. We will continue to make efforts toward implementing the recommendations of the UN human right treaty bodies.

(9) Achieving limitations on appeals to the prosecutor and on detention after acquittal

In order to prevent innocent citizens from being held criminally responsible even after they have been acquitted, it should be prohibited for prosecutors to file appeals on the grounds of factual errors.

When a defendant is acquitted in a judgment, he/she should be treated as innocent and should not be physically restrained, at least until the judgment is reversed and the defendant is declared guilty in an appellate court.

We will also act to establish new provisions regarding the limitation of detention after an appeal or acquittal by the prosecutor.

(10) Guaranteeing the rights of juveniles and persons with disabilities

When interrogating juveniles and persons with disabilities, it is strongly required that their characteristics be taken into consideration. In addition, since the negative effects of interrogation in closed rooms are more pronounced and their vulnerability makes them more susceptible to violations of their rights, visualization of interrogation for all cases is required (recording of the entire interrogation process), and the right to have a defense counsel present at interrogations needs to be immediately established. While more than 90% of interrogations of persons with intellectual or mental disabilities during arrest and detention is currently visualized, the same should also be implemented in cases of juvenile defendants. In the criminal trial of a juvenile defendant who is sent back to the court, it is necessary to conduct procedures while taking their own characteristics into consideration. We will continue to ask for improvement in the system and the operation thereof in these respects. As to the question of the age of application of laws, each

law should be considered individually and concretely in light of its legislative intent and purpose. We oppose the lowering of the age of “adulthood” in Article 2 of the Juvenile Act.

(11) Performing a fundamental review of the Medical Observation Act

In July 2005, the Medical Observation Act (concerning Medical Treatment and Observation of Persons Who Have Committed Serious Harm While Insane, etc.) was enacted. In its operation for more than eight years, there have been several cases of inappropriate physical restraint, such as subjects who should not be treated by hospitalization receiving hospitalization based on the Medical Observation Act due to problems such as vagueness of treatment requirements, or prolonged hospitalization due to poor psychiatric care in the community.

The JFBA believes that psychiatric care should: (i) be rooted in the community and directly connected to people's daily lives; (ii) be medical care that can be voluntarily received at any time and place; and (iii) ensure an appropriate level of medical care, and establishment of a human and material system to ensure an appropriate level of medical care. We have also argued that the enhancement of psychiatric care in this way will not only provide medical care for the mentally disabled themselves, but will also prevent unfortunate events that sometimes occur.

We call for raising the standard of psychiatric care in the community and a fundamental review of the Medical Observation Act, under which inappropriate physical restraints are used. For the time being, in light of the fact that there is compulsory treatment that includes restrictions on physical freedom and contains serious restrictions on human rights, we will request that the system be operated as strictly as possible and that its operation be verified after the fact.

2 Continue to examine the lay judge system, and aim for a system that actively encourages public participation and better guarantees the defendant's right to defense

More than ten years have passed since the lay judge system began in May 2009. It is clear that the criminal justice system has undergone significant changes as a result of public participation, including the spread of litigation activities that reflect an awareness of direct and oral principles.

Since the start of the lay judge system, the JFBA has been working on the following issues: (i) trial procedures (expansion of the number of cases subject to lay judge trials in which the facts of the prosecution are in dispute, establishment of a new provision dividing trial procedures into two in cases where the facts of the prosecution are in dispute, revision of the requirements for a verdict, etc.); (ii) determination of the appropriate punishment for the death penalty (introduction of a unanimous decision system); (iii) adherence to the principles of the Juvenile Act in trials of juvenile retro-adjudication cases; (iv) relaxation of the obligation of confidentiality for judges; and (v) establishment of a verification body. As more than 10 years have passed since the start of the system, we take this opportunity to carefully review the operation of the lay judge system and improve it from the perspective of protecting suspects’ and defendants’ right to defense.

3 Retrial support - retrial system

The JFBA has been providing support in a number of retrial cases. In recent years, the JFBA has won the retrial and a not guilty verdicy in the following cases; the Ashikaga case in 2010, the *Fukawa* case in 2011, the murder of a female TEPCO employee in 2012, the *Higashisumiyoshi* case in 2016, and the *Matsuhashi* case in 2019. In addition, in 2017, the *Osaki* case and the *Koto* case, and in 2018, the *Hino-cho* case, were granted the right to a retrial. On the other hand, in 2018, the *Hakamada* case was dismissed by the High Court, and in 2019, the *Osaki* case was dismissed by the Supreme Court. As of 2019, the JFBA is supporting 14 cases, and we will continue to strengthen our examination and support systems by listening sincerely to the voices of those who claim to be not guilty, based on the purpose of the Supreme Court's decisions on the *Shiratori* and *Saitagawa* cases, which clearly stated the principle of "when in doubt, benefit should be given to the claimant".

In order to change the current situation where retrial is allowed only under extremely strict conditions, and even if a decision is made to start a retrial after a lengthy trial process, it is rescinded by an appeal by the prosecutor and the case is back to square one, there is a need to relax the requirements for starting a retrial and to abolish the system of appeals by the prosecutor against the decision to start a retrial. We call for the revision of the retrial legislation (Code of Criminal Procedure, Retrial Chapter) in line with the principle of the retrial system, which is to save the innocent, including the full disclosure of evidence at the retrial stage and the systematization of the preservation and use of DNA typing and other scientific samples for the purpose of proving innocence. We will continue to call for amendments to the retrial legislation (Criminal Procedure Act) in line with the philosophy of the retrial system, which is to save the innocent.

4 Investigating the causes of false convictions and preventing future occurrences thereof

In order to eradicate false convictions, it is essential to thoroughly investigate the causes thereof. In recent years, despite the fact that a number of serious cases of false conviction have come to light, such as the *Ashikaga* case, the *Fukawa* case, the murder of a female TEPCO employee, the case of the Director of the Ministry of Health, Labor and Welfare, the *Higashisumiyoshi* case, and the *Matsuhashi* case, the investigation of the causes of these false convictions was either very poorly done by the investigative agencies or was not performed by any national agency. In this situation, it is impossible to establish a criminal justice system that will not allow for false convictions to arise again in the future.

In order to thoroughly investigate the causes of false convictions in criminal procedures such as investigations, prosecutions and trials, and to propose improvements in the operation of various systems and legislation to prevent future crimes, we recommend that the Diet or the Cabinet establish a third-party committee with strong investigative powers, independent of the judiciary and administrative agencies, to investigate all processes of criminal proceedings from investigation to trial.

15. Increase in Statutory Penalties, Expansion of Punishment, and Human Rights

1. We will use an empirical standpoint to examine whether the increase in statutory penalties, the increase

in the severity of penalties in criminal justice, and the trend of making minor manners and moral issues the subject of punishment, are detrimental to the balance between the legal interests to be protected and whether they are effective in deterring crime. In addition, we will examine whether the restrictions on human rights are the minimum necessary and whether they are based on clear standards.
2. With an eye toward the fact that poverty and discrimination exist in the background of crime, we will take the perspective that eliminating poverty and discrimination and guaranteeing the right to life are effective measures to reduce crime, and we will emphasize the importance of realizing these measures.

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1 Trend toward heavier and more severe punishments and the need for empirical examination

In Japan, a series of criminal legislations have been enacted in the direction toward heavier penalties, such as raising the upper limit of fixed-term imprisonment for the purpose of deterring crime. In addition, under the call for a safe and secure city, even minor acts such as littering are now considered as crimes, and even acts at the level of manners and morals are becoming subject to control. Some argue that public safety is worsening, some argue for heavier penalties because of the retributive feelings of crime victims, and some argue that heavier penalties in the criminal justice system are effective in preventing crime.

The Code of Criminal Procedure was amended in 2010 to abolish the statute of limitations for the prosecution of "crimes resulting in the death of a person and punishable by imprisonment or more severe punishment" and crimes punishable by death. In 2013, the Act on Punishment for Death and Injury Caused by Driving a Motor Vehicle was enacted, which expanded the scope of punishment for the crime of causing death or injury by dangerous driving and established new provisions on punishment for the crime of causing death or injury by driving a motor vehicle. In 2017, the Penal Code was amended to establish the crime of forcible sexual intercourse and expanded the scope of punishment for rape, while making it no longer necessary for there to be a formal complaint from the victim in order to prosecute.

The exercise of state power, especially the power of punishment, involves serious restrictions on human rights, such as detention and deprivation of life. Under the principles of constitutionalism, it is necessary to use an empirical analysis of the crime situation to examine what specific legal interests are being protected by heavy punishment and criminalization, and whether the punishments and measures are truly necessary and effective in protecting such legal interests. It is necessary to examine these issues through empirical analysis of the crime situation.

It is also necessary to strictly examine whether there is any objective support for the alleged "deterioration of public safety", and whether it is based on clear regulations and standards that do not atrophy freedom of action.

In relation to these points, the extension or abolition of the statute of limitations for prosecution also needs to be carefully examined from the viewpoint of necessity and the human rights of suspects.

2 Discrimination as a background to crime - the need to eradicate prejudice and other barriers

It is not uncommon for crimes to be committed against the background of poverty, discrimination, and

other factors that prevent the right to life from being adequately guaranteed, as well as experiences of abuse from childhood. Eradication of poverty and discrimination, ensuring diversity and tolerance in the community, and realizing a society where all people can live together is a shortcut to reducing crime.

We will strengthen our efforts to remove barriers such as discrimination and prejudice, to improve social security, and to expand measures such as education and medical care in both human and material ways. We will also appeal to society that such a direction will lead to a reduction in crime.

3. Activities of the JFBA from an international and domestic context

Recent criminal legislation has been developed by the United Nations Office on Drugs and Crime (UNODC)*, and the Financial Action Task Force on Money Laundering (FATF), an intergovernmental organization. Policies of reinforcement of criminal legislation adopted by these organizations have impacted the national legislation by each member state.

In Japan as well, the Legislative Council and the Diet have been strongly advocating "deterioration of public safety" as an argument in support of heavier penalties.

We will actively participate in these international and national discussions in regard to criminal legislation, express our opinions from the perspectives described in 1 and 2 above, and make appropriate recommendations.

* In addition to drug control and drug crime prevention, the UNODC is an agency of the United Nations established to deal with international (cross-border) organized crime, including human trafficking and money laundering, and to prevent corruption.

16. Human Rights and the Death Penalty

We call on the government to abolish the death penalty by 2020, when the UN Conference on Crime Prevention and Criminal Justice is held in Japan, and to consider alternatives to the death penalty, and call for the consideration of alternative sentences to the death penalty when it is abolished. We will do our utmost to realize this goal.

Furthermore, while the abolition of the death penalty is being debated by society as a whole, we will work to achieve the unanimous approval of the abolition of death sentences, the automatic appeal system for death sentences, and the prohibition of appeals by prosecutors for death sentences. We demand that all those facing the death penalty be guaranteed adequate rights of defense and defense at the suspect-defendant stage, the retrial request stage, and the execution stage, and that the treatment of those sentenced to death be improved.

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At the 2011 JFBA Human Rights Protection Convention, we adopted the "Declaration Calling for the Establishment of Measures for the Reintegration of People Who Have Committed Crimes into Society and

Calling for a Society-Wide Discussion on the Abolition of the Death Penalty" with a view to the desirability of a society without the death penalty. After that, in October 2016, taking the results of the activities of the JFBA and the situation in Japan and abroad into consideration, the following declaration was adopted at the JFBA Human Rights Protection Convention (Fukui Declaration), calling for the reform of the penal system as a whole, including the abolition of the death penalty.

In considering the reform of the penal system as a whole, it should be noted that the death penalty is a system in which the state deprives people of their right to life (Article 6 of the International Covenant on Civil and Political Rights), which is at the core of fundamental human rights, and that the UN Human Rights Committee and the Human Rights Council have asked the government to carefully consider the abolition of the death penalty.

In recent years, the number of countries that have abolished the death penalty has been on the rise, and as of December 2018, more than two-thirds of the world's countries have legally or de facto abolished the death penalty. As of December 2018, more than two-thirds of the world's countries have legally or de facto abolished the death penalty. In addition, among the OECD countries, Japan, South Korea, and the United States are the only three countries that still legally have the death penalty. Among these nations, South Korea has effectively abolished the death penalty, and in the United States, 21 out of 50 states have completely abolished the death penalty, and the governor has declared a moratorium on executions in four other states. On December 18, 2018, the 37th session of the UN General Assembly adopted a resolution calling for a "moratorium on executions with a view to the abolition of the death penalty" with the support of 121 state members, the largest number in history.

There are only a few countries in the world that still have the death penalty on their books and are actually executing people. The reason why many in the international community want to abolish the death penalty rests with the increasing recognition that there is no reason to maintain such system. There is a risk of miscarriage of justice in death sentences, and the death penalty as a punishment has little to no deterrent effect on serious crimes.

In Japan, four death penalty cases have been retried and acquitted, and in March 2014, the *Hakamada* case was retried and Mr. Hakamada was released after 48 years of incarceration. In his case, the decision by the Shizuoka District Court to start a retrial was reversed by the Tokyo High Court, but as of July 2019, the case is pending before the Supreme Court.

If the death penalty system is allowed to continue, executions for false convictions cannot be avoided as long as it is people who decide on whether or not to impose the death penalty. In addition, the criminal justice system in Japan has serious problems with long-term physical restraint, interrogation, and disclosure of evidence. If a person is sentenced and executed for a false conviction, there is no way to get his/her life back. It is also necessary to consider what the maximum penalty should be if the death penalty is abolished.

The Fukui Declaration states that such alternative sentence should be "life in prison without the possibility of parole". Even in the case of a life sentence, when the prisoner has been rehabilitated through the passage of time, the system should be designed so that it is possible to reduce the sentence to life imprisonment or change the sentence through the application of a pardon, based on a new judgment by the

court.

After the Fukui Declaration, the JFBA held a series of discussions on alternative sentences, and when abolishing the death penalty, a life sentence without the possibility of parole should be introduced as an alternative sentence for heinous crimes for which the death penalty has thus far been imposed. However, in exceptional cases, when a certain amount of time has passed and the offender has been rehabilitated, a system that allows for the application of an amnesty and a reduction of the sentence to life imprisonment based on a new decision by the court should be adopted. For this purpose, we confirmed that the design of the system for hearing whether or not to change the sentence and the requirements for commuting the sentence to life imprisonment should be further studied. We will continue to study such issue based on this basic direction.

In 2020, the UN Congress on Crime Prevention and Criminal Justice (Congress) will be held in Japan to discuss global criminal justice reform. The Congress is the largest international conference in the field of crime prevention and criminal justice, and is held every five years. In addition to government representatives from UN member countries, including Ministers of Justice and Prosecutors-General, international organizations, regional organizations, NGOs, and research institutes also participate. In order for Japan, which has frequently received recommendations from the international community to halt executions and positively consider abolishing the death penalty, to exercise its leadership as the host country, it is necessary for Japan to abolish the death penalty in line with global trends.

Furthermore, while the abolition of the death penalty is being debated by society as a whole, we call for a unanimous death sentence system, an automatic appeal system for death sentences, a prohibition on appeals by prosecutors seeking the death sentence, and other measures to ensure that all people facing the death penalty have sufficient rights of defense and defense at the suspect/defendant stage, the retrial request stage, and the execution stage. We demand that all people facing the death penalty be guaranteed adequate rights of defense and defense at the suspect/defendant, retrial request, and execution stages. We also call for improvements in the treatment of those who have been sentenced to death, such as external transportation and the provision of appropriate medical care.

17. Human Rights of Criminal Detainees

Efforts will be made to improve problems in correctional medical care, to ensure that external communication be operated in accordance with the purpose of the Act on the Treatment of Criminal Inmates, to enhance the activities of the Inspection Committee, to improve the long-term day and night solitary confinement system, and to promote treatment for reintegration into society.

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1 Improvement of medical care in penal institutions

In 2013, the “Expert Panel on the State of Correctional Medical Care” was created, and its recommendations were compiled in a report in January 2014. In the report, the following measures were

proposed to secure "correctional officers": improvement of salary levels, review of working hours, improvement of the operation of training systems, and flexible operation of permission for dual employment. In April 2016, the "Act on Special Provisions for Concurrent Employment of Correctional Officers," which was enacted the previous year, came into effect to realize these measures. As a result, there has been some alleviation of the issue of shortage of doctors in penal institutions, and in 2018, the East Japan Correctional Medical Center was opened and began operations, but many penal institutions still do not have enough doctors.

The problem of medical care in penal institutions is not limited to the shortage of doctors. Lack of independence of the medical department is one of the reasons why prompt and appropriate medical care is not always provided. Cooperation and collaboration with external medical institutions is also insufficient. To achieve a drastic solution, medical care in penal institutions needs to be transferred to the Ministry of Health, Labor and Welfare, but there has been no significant reform in this regard.

We regard medical care in penal institutions as a highly important issue and will actively work to improve this situation.

2 Expansion of external communication

Under the Penal Detainee Treatment Act (Act on Penal Detention Facilities and Treatment of Inmates), the scope of visitors to prisoners has been partially expanded to include acquaintances and friends.

At the beginning of the enforcement in 2006, the Act was seemingly aimed to be applied in accordance with the principles of the Act on the Treatment of Criminal Inmates, but there are still strict restrictions on visits with people other than relatives. We have received reports that visits by prospective employers after the release of prisoners are sometimes not allowed until the time of release comes closer.

This current practice is contrary to the provisions of the Penal Detainee Treatment Act, which states that "Attention shall be paid to the fact that appropriate external communication contributes to the improvement and rehabilitation of prisoners and to their amicable reintegration into society".

We will work to ensure that external communication is widely accepted as stipulated in the Penal Detainee Treatment Act.

3 Improvement of the activities of inspection committees

In accordance with the Penal Detainee Treatment Act, committees to inspect penal institutions have been established in each prison and detention center, and committees to inspect custodial facilities have been established in each prefectural police headquarters. These committees are composed of lawyers, doctors, local government officials and residents, and while maintaining their independence, they inspect the actual conditions of the penal detention facility, interviews detainees, receive information from the facility, and express their opinions on the management thereof.

As a result of the activities of these committees, eyes from the outside have been able to reach the previously closed places of execution, and certain improvements have been made.

Meanwhile, the UN Committee Against Torture expressed its concern over the "lack of an independent

and effective inspection and appeal mechanism available to detainees in police custody" and the "lack of sufficient authority in the Committee for the Inspection of Penal Institutions to investigate torture". The report recommends that "the independence of external inspections of police custody should be guaranteed through measures such as ensuring that lawyers recommended by bar associations are systematically included as members of the committee". Unfortunately, this is still not guaranteed for some committees. We continue to seek to improve the independence of the committees from the authorities at the penal facilities, and watch closely to ensure that the operation of the Penal Detainee Treatment Act satisfies the international human rights standards in line with the purpose of penal reform.

We hold liaison meetings several times a year for lawyers who have been appointed as members of the inspection committee to exchange information and opinions and contribute to enhancing the activities of the committee, and we will continue to strengthen our lateral cooperation.

4 Improvement of long-term daytime and nighttime solitary confinement of prisoners

Under the Penal Detainee Treatment Act, the period of isolation of sentenced persons is set at three months in principle, and it cannot be continued unless there is a particular need to do so. In many prisons, however, there are cases where inmates are detained in single rooms during the day and night for long periods of time without isolation. For example, there are cases in which a prisoner is designated as a Type 4 restricted category (those who are treated in the room block) on the basis of the rules concerning the designation of prisoners' rooms, or based on internal rules. No formal appeals are allowed for these treatments. Although the total number of prisoners subjected to day and night solitary confinement is gradually decreasing, there are still a large number of prisoners who are subjected to such treatment for a long period of time without isolation.

Since prolonged day and night solitary confinement has a serious negative impact on the physical and mental wellbeing of the prisoners involved, there is a need to immediately change and bring about the improvement of such a lawless practice.

We will focus on this issue as well, and actively work toward achieving improvement.

5 Promotion of treatment that contributes to social rehabilitation

The incarceration rate in prisons is less than 70% in male facilities and more than 80% in female facilities, which is an improvement, although it cannot yet be judged that the problem of over-incarceration has been resolved. Meanwhile, there are still a large number of people who are not able to reintegrate into society after their release and are eventually reconvicted and placed in prison again. There is a strong need to provide prisoners with treatment that contributes to their reintegration into society. The survey regularly conducted by the Ministry of Justice since 2006 (questionnaire to the ex-prisoners at the time of release) has shown that the top requests of prisoners are vocational training, employment support, and education on knowledge and skills useful for reintegration into society, indicating that prisoners are also seeking treatment that contributes to their reintegration into society.

In addition, it is also important to ensure that prisons are not isolated from society, and that prisoners

can live as they would in society, to the extent possible, so that they can smoothly reintegrate into society when they are released.

In the long term, we should pursue non-custodial policies that take into account the perspective of reintegration into society, such as restricting and reviewing custodial sentences by enhancing in-society treatment and improving the parole system.

We will actively work toward promoting treatment for reintegration, including achieving solutions through new legislation.

18. Human Rights of Offenders

We will work to ensure respect for the dignity of the individual and basic human rights in the rehabilitation of offenders. For those who have been institutionalized, we will seek to allow them the right to request a parole review in certain cases and ensure that they are treated appropriately in order to achieve reintegration into society. For those who have not been institutionalized or who have returned to society after being institutionalized, we will seek to improve the probation system to support their reintegration into society and to provide appropriate assistance.

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1 Objectives of offender rehabilitation and human rights of offenders

The purpose of offender rehabilitation is to improve and rehabilitate people who have committed crimes and reintegrate them into society.

However, the Offenders Rehabilitation Act, which came into effect in June 2008, has the prevention of recidivism as its core objective, and leans toward security measures, such as strengthening measures for delinquency. The principle of protection has regressed.

In the name of the rehabilitation system, we propose that the purpose of the Offenders Rehabilitation Act should be reconsidered so that emphasis is not placed on the monitoring function or on intervention, and interference with probationers is not unjustly strengthened.

2 Rehabilitation for persons who have committed crimes

For genuine rehabilitation of persons who have committed crimes, it is important to consider rehabilitation not only from the perspective of deterring crime, but also from the perspective of ensuring that the person is respected in society, and is able to live independently through the establishment of trusting relationships, according to the circumstances of each person: those who are institutionalized, those who have not been institutionalized, and those who are returning to society after completing institutionalization.

The human and material conditions and legal arrangements necessary for the practice of consistent social assistance aimed at the proactive social reintegration of persons who have committed crimes have not

yet been adequately addressed.

Recently, the Ministry of Justice, which is considered to be the primary provider of rehabilitation, has finally begun to collaborate with the Ministry of Health, Labor and Welfare to provide the necessary employment support.

In addition, in 2016, the Act to Promote the Prevention of Repeat Offenses was enacted and implemented. The Recidivism Prevention Promotion Plan was formulated in 2017 based on this Act, and the Recidivism Prevention Promotion Model Project has been implemented by 30 municipalities throughout the nation, including prefectures and cities.

However, since these measures cannot be expected to be effective without the understanding of the public and local communities, we must support the social lives of those who have committed crimes by promoting publicity, deepening mutual cooperation among the national government, local governments, and those in charge in the private sector, and actively cooperating with each other through our bar associations.

Moreover, sufficient budgetary measures must be taken to ensure the provision of such support.

Further, there are problems with the employment of people who have committed crimes, restrictions on eligibility, social security, and work incentives that are too low compared to Europe and the U.S. We should also consider designing a system that eliminates excessive restrictions on eligibility, revises the system to allow for the payment of social security contributions during imprisonment, and increases work incentives to allow for living expenses after release and compensation for victims.

Welfare support is also necessary at the suspect and defendant stage, and it is necessary to seek the development of a system for this purpose.

3 Support for persons who have committed crimes

In order to provide supportive casework that helps the offender to overcome his or her own problems, the support system should focus on building a network for problem solving so that the offender and the appropriate institutions can work together. Specifically, for juveniles, cooperation with schools; for employment support, cooperation with Hello Work and cooperating employers; for livelihood support, cooperation with welfare offices; and for drug offenders, cooperation with NPOs that implement drug withdrawal programs.

4 Parole

With regard to parole, “feelings of remorse” in the parole criteria should be able to more broadly take into account the prisoner's attitude of self-reflection.

The condition that a prisoner has a place to return to is important in practice when conducting a parole examination. If a prisoner has no place to live or no relatives, parole is not granted. The lack of a suitable place for the prisoner to return to results in the prisoner being released upon having served their full term and not receiving necessary assistance, which directly leads to a high rate of recidivism. Since appropriate probation on parole is extremely beneficial for the smooth reintegration and rehabilitation of the subject,

at least a place to return to should be secured. Even if a person who does not have an appropriate place to return to wishes to enter a rehabilitation facility, the number of existing facilities and their capacity are limited, and it is essential to establish a national rehabilitation facility.

In addition to the above, parole should be implemented for sentenced persons at the earliest possible stage, and in principle, parole should be considered for all persons.

In the first place, indeterminate sentences for juveniles should be based on a short-term basis.

Even if a juvenile is released upon having served their full term, we recommend that a system be established in which appropriate protection is provided with the consent of the parties concerned.

5. Parole for prisoners sentenced to life imprisonment

In recent years, the number of prisoners sentenced to life imprisonment has been on a slight downward trend, but it is still close to 1,800 (from 1,843 in 2003 to 1,795 in 2017). In spite of this, the number of those who are granted parole is still very small. From 2013 to 2017, there were only 7 to 11 parolees per year after serving more than 30 years in average until they were released. The current situation of indefinitely sentenced prisoners who are not even reviewed for parole and are kept under indefinite detention is highly serious. In order to revitalize the parole review process, the Ministry of Justice has decided to conduct a mandatory review for those under life imprisonment and incarcerated for more than 30 years. However, the legal system should also ensure that at least those sentenced to life imprisonment have the opportunity to have a parole review at regular intervals. In addition, we recommend that the parole review process be made more appropriate by reviewing the hearing method with the victims, and stopping the hearing by prosecutors. We also recommend that the members of local parole boards, which review parole cases, should be made up of persons independent of the government, such as lawyers.

19. Human Rights of Crime Victims

Based on the basic principle that crime victims have the right to be treated with dignity, the right to have access to information, the right to seek recovery, the right to receive material, mental, psychological, and social support, and the right to be involved in criminal proceedings, and that all of these rights should all be protected, we aim to ensure that they be provided with necessary support without delay from the time they were victimized until they regain a peaceful daily life.

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Crime victims are “forgotten” by society and tend to be isolated due to not being informed about the crimes committed against them and their perpetrators, and by having their economic and mental damage and difficulties neglected. In criminal trials, crime victims used to only be treated as evidence, and their human rights were not taken into consideration for a long time.

In October 1999, the JFBA adopted the “Proposal for Comprehensive Support for Crime Victims” and established the Committee on Crime Victims (renamed the “Crime Victims Support Committee”) in

September 2000 to start its activities.

In May 2000, the so-called Two Laws for the Protection of Crime Victims were enacted in order to implement measures for the involvement of crime victims in criminal proceedings.

In 2003, the JFBA adopted the “Resolution for the Establishment of the Rights of Crime Victims and Their Comprehensive Support” at its Human Rights Protection Convention. The resolution expressed the JFBA’s determination to “urgently facilitate discussions on the pros and cons of various systems that allow crime victims to participate in criminal proceedings, as well as the enactment of the Basic Law for Crime Victims and the expansion of economic support.

In December 2004, the Basic Law for Crime Victims was enacted, and in December 2008, the Victim Participation System, the Compensation Order System, and the Court-Appointed Attorneys for Victims System were all launched.

In November 2006, the JFBA announced an “Opinion Concerning the Expansion of Economic Support for Crime Victims” and proposed the enactment of the Crime Victims Compensation Act. In addition, in March 2012, the JFBA published the “Opinion Paper on the Expansion of Financial Support for Crime Victims” and made recommendations in regard to national expenditure for the system to provide crime victims with legal support.

In April 2013, the JFBA established the “One-Stop Support Center for Victims of Sexual Offenses and Sexual Violence” to realize a system in which victims could receive comprehensive support in one place immediately after suffering from such crimes. Later, the government started to budget grants to provide support to such victims.

The JFBA held a symposium at the 2017 Human Rights Protection Convention under the theme of “Re-examining the 'Rights of Crime Victims': Towards a Society Where Everyone Can Receive Equal and Full Support, and adopted the “Resolution for the Realization of a Society in which All Crime Victims Can Receive Equal and Full Support” that called on the national government and local governments to: (1) take necessary measures to ensure the effectiveness of damage recovery so that crime victims can receive prompt and reliable compensation for their losses through civil lawsuits; (2) enact the Crime Victims Compensation Act to enhance economic support for crime victims and reduce procedural burdens; (3) establish a system of lawyers supporting victims at public expense so that all crime victims can receive full legal support from lawyers immediately after an incident occurs; (4) establish at least one hospital-based one-stop support center for victims of sexual crimes and sexual violence in each prefecture and provide full financial support; and (5) have all local governments enact their own ordinances to support crime victims in order to implement measures to support crime victims according to local conditions.

Thus, based on the rights of crime victims, such as the right to be informed, the right to seek recovery, the right to receive material, mental, psychological, and social support, and the right to be involved in criminal procedures, we will work on the aforementioned issues so that crime victims can receive the necessary support without interruption from the time they suffer from crimes until they are able to lead a peaceful life again.

20. Exclusion of Unreasonable Demands

By using the Anti-*Boryokudan* Act (Act for the Prevention of Wrongful Acts by Organized Crime Groups) and other acts and systems, and by cooperating with related agencies, the activities of anti-social forces such as organized crime groups, which are becoming more latent, anonymous and opaque, will be eliminated. In addition, we will work to prevent and remedy the damage caused by civil intervention violence (unreasonable demands) against citizens, businesses and governments, regardless of whether or not it is caused by anti-social forces.

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The right of people to live without fear for their lives, physical safety and property is a core and fundamental human right. The prevention of and relief from damage to the general public from civil intervention violence and gang warfare, in which anti-social forces such as organized crime groups intervene in civil disputes and business transactions to make unfair profits, is one of the most important human rights relief activities that we should undertake.

After the enforcement of the Anti-*Boryokudan* Act (1992), in June 2007, the Executive Committee of the Ministerial Conference on Crime Control and Prevention formulated the "Guidelines for Companies to Prevent Damage Caused by Anti-Social Forces," which stated that all relationships, including transactions, with anti-social forces must be blocked. As a result of the enactment of anti-*boryokudan* ordinances in all prefectures, starting with Fukuoka Prefecture in 2010, the number of organized crime groups has been rapidly decreasing.

However, anti-social forces such as organized crime groups have become latent, anonymous and opaque, and continue to inflict undue damage on the general public, businesses, and governments. For example, the damage caused to the general public by special fraud crimes, in which anti-social forces such as organized crime groups are often found to be involved, is enormous and must be described as a serious violation of human rights. The JFBA, at its Human Rights Protection Convention held in October 2018, adopted a resolution calling for "the prevention and recovery of damage caused by organized crime targeting the socially vulnerable, typical of special fraud, as well as the prevention and recovery of damage caused to victims".

Moreover, there is still damage being caused to citizens who are caught up in gang warfare, and the presence of gang offices still infringes on the peace of life and business operations of nearby residents.

In addition, in recent years, as a result of the progress of anti-*boryokudan* activities in society, there has been an increase in the number of unreasonable demands made by people who may or may not be related to organized crime groups in business transactions.

In this regard, the definition of "civil intervention violence" was originally defined by the JFBA as "any verbal or physical conduct that suggests the use of violence, threats, or disruptive behavior by a party, party agent, or interested party in a civil execution case, bankruptcy case, debt collection case, or other civil dispute case against another party involved in the case, as well as any verbal or physical conduct that is not

socially acceptable and does not constitute a form of violence." These acts are not limited to gang members. One of the responsibilities of lawyers is to realize equality under the law and the rule of law by taking a firm stand against those who engage in civil intervention violence (unreasonable demands), regardless of who the other party is, and by preventing self-execution in which only those with a loud voice or strong power gain an unfair advantage.

Recognizing this responsibility once again, we will work to prevent and recover from damage caused by civil intervention violence (unreasonable demands) against citizens, businesses and governments, in cooperation with the Civil Intervention Violence Victim Relief Center, the police, and other related organizations, regardless of whether or not it is caused by organized crime groups.

Specifically, we will: (1) expand the quantitative and qualitative aspects of the law on the liability of employers of gang leaders, which began with the Supreme Court's decision on the *Fujitake* case; (2) effectively implement the Act on the Payment of Benefits for Recovery of Damage Caused to Property Harmed by Crime; and (3) pursue civil lawsuits or civil preservation procedures that seek an injunction against the use of the offices of organized crime groups, with the Qualified Prefectural Center as a party. Through these means, we support the effective relief of damage to citizens and the elimination of activities by anti-social forces.

For companies, based on the aforementioned guidelines formulated in June 2007, we will support the elimination of intervention by anti-social forces, such as organized crime groups, in individual corporate activities. We also support the establishment of internal control systems to eliminate anti-social forces such as organized crime groups.

We will educate citizens, businesses and governments on how to respond to various unreasonable demands, and support citizens, businesses, and governments that are subject to unreasonable demands, regardless of whether or not they are from organized crime groups.

21. Police and Human Rights

1. From the perspective of guaranteeing human rights, we will work to properly regulate the expansion of police authority and activities involving using personal information held by other government agencies, entering into citizens' lives to obtain information, and conducting activities that encourage mutual monitoring of citizens' behavior.
2. To guarantee the human rights of citizens through democratic control over police organizations and activities, we will work to realize measures such as fundamental reform of the Public Safety Commission system, transparency of police budgets, disclosure of information on organizational management, etc., and supervision by the Diet.

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1 Restrictions on the expansion of police authority and activities

After the terrorist attacks on the United States on September 11, 2001, the enactment of ordinances

such as the “Safety and Security Town Development Ordinance” and the “Life Safety Ordinance” spread across the country due to the necessity of counter-terrorism measures and the “deterioration of the state of public safety.” Based on these ordinances, the police have been encouraging the installation of surveillance cameras by the private sector while acquiring data therefrom, as well as encouraging citizens to monitor each other. In addition, against the backdrop of the sophistication of information systems, there is a growing situation in which the police themselves are setting up “N-systems” (surveillance systems) and building DNA databases to acquire, manage and operate personal information. In addition, measures for the police to acquire personal information held by other government agencies and legislation regarding the police's authority to investigate juvenile criminals are also being considered.

However, police activities can lead to the use of coercive force, and under a modern constitutionalist constitution, they should be used in a humble and restricted manner against civil society. In reality, these police activities are in severe conflict with the human rights of citizens such as the right to control their own information and the right to privacy. In addition, encouraging mutual surveillance among citizens may encourage discrimination and prejudice against minorities such as foreigners and people with various difficulties, and may lead to the division of society.

Therefore, it is necessary to regulate police activities from the perspective of whether they are within the scope of the original purpose of the exercise of police power and whether they are the minimum necessary restriction of human rights in relation to the legal interests that they are trying to protect.

2 Democratic control over police activities

The expansion of police authority and activities leads to the expansion of police personnel and budgets. However, it has been pointed out that there are a number of unclear points regarding the organizational management and operation of the police force and the use of the police budget. If this is left unchecked, it will not be possible to curb the occurrence of problems such as accounting irregularities seen in the past, and it will lead to a decline in the sense of ethics of police officers, and allow many cases of misconduct and scandals to occur one after another. In addition, as seen in the so-called *Shibushi* and *Himi* incidents, there have been frequent reports of unjust investigations, such as lengthy interrogations and coerced confessions by investigators.

Under these circumstances, it is necessary to ensure the adequacy of police activities through democratic control of police activities in order to guarantee the freedom and human rights of citizens.

First of all, the Prefectural Public Safety Commission must be fundamentally reformed by adopting a public election system and expanding its supervisory authority. In addition, it is necessary to take measures to democratize the police system, such as making the police budget transparent and supervising organizational operations through information disclosure.

In addition, with regard to the information that is concentrated in the police through the N-system, surveillance cameras, etc., we will demand transparency and appropriateness in the procedures for how this information is acquired, managed and used. Furthermore, as has been pointed out in the past, preventive intelligence activities are widely carried out by the security and public safety departments, and we will

demand transparency in the mechanisms, authority and content of these activities.

22. Freedom of Thought and Conscience

Freedom of thought and conscience is a fundamental right derived from the inherent dignity of individuals. We will not allow the infringement of these freedoms, and we will watch carefully to ensure that education does not encroach upon the realm of individual freedom of conscience.

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1 Recent development in freedom of thought and conscience

Freedom of thought and conscience is a fundamental right derived from the inherent dignity of human beings, and must be respected to the fullest extent.

In recent years, however, there have been a series of incidents that violate these freedoms.

In 2002, it was discovered that the Defense Agency (at that time) had made a list of citizens who had made requests for information disclosure and been using such list systematically. The fact that a state organization would compile such a list is itself problematic, as it constitutes an attempt to distinguish citizens based on ideology and conscience.

In 2007, there was an incident in which Public Security Intelligence Agency officials asked a hotel where attendees of the annual general meeting of a lawyers' organization were scheduled to stay to provide a list of guests, and an incident in which the Ground Self-Defense Force's Information Security Unit collected and compiled information on meetings of citizens and groups opposed to the deployment of the Self-Defense Forces to Iraq.

In Tokyo, there have been many cases of public schools forcing teachers and staff to stand facing the “national flag (Hinomaru)” and sing the “national anthem (Kimigayo)” at graduation and entrance ceremonies, and imposing disciplinary measures on teachers and staff who did not comply. On February 27, 2007, the Supreme Court ruled against a music teacher who said he could not play “Kimigayo” on the piano because of his ideological beliefs. On February 27, 2007, the Supreme Court ruled that a principal's order to a music teacher to play a piano accompaniment to “Kimigayo” at an entrance ceremony did not violate Article 19 of the Constitution.

Furthermore, in 2011, in a case where a teacher who disobeyed a duty order to stand and sing “Kimigayo” and was given a warning, the Supreme Court ruled that such a duty order did not violate Article 19 of the Constitution.

2 “Revision” of education legislation

The Basic Act on Education, which has supported a democratic society since the end of World War II, was amended in December 2006 to include the following provisions The revision appeared to be aimed at inculcating specific values in matters that are inherently diverse and multifaceted. What is particularly worrisome is that while the basic act before the amendment stated that “education should be provided

directly and responsibly to the entire nation without being subjected to unjust control" (Article 10, Paragraph 1 of the Act before the amendment), the revised Article 16 dares to include the fact that education is a legal matter, saying, "education shall be conducted in accordance with this law and other laws without yielding to undue control." The Supreme Court's decision on the Asahikawa Achievement Test case (May 21, 1976) states that state intervention in the content of education should be restrained and that it is not permissible for the state to intervene in a way that prevents children from growing as free and independent individuals.

In June 2014, the Act on the Organization and Management of Local Education Administration was amended to revise the role of boards of education, weaken their authority, and strengthen the authority of local government leaders.

In March 2017, the Japanese government issued a series of Cabinet decisions on the Imperial Rescript on Education, which was a symbol of nationalist education before World War II, and on the use of the Imperial Rescript as a teaching material in a manner that does not violate the Constitution or the Basic Education Law.

In addition, the textbook authorization standards revised in 2014 require that the content be in line with the educational goals prescribed by the revised Basic Act on Education, and such goals include specific values such as "love for one's own country" in order to pass the examination. However, there is a strong risk that these specific values will be taught to children through textbooks as being correct, thereby infringing on children's freedom of thought and conscience. In addition, moral education has been positioned as an official "subject" and moral education textbooks will be produced through certification procedures and children will be evaluated on moral education subjects. In the past, state political interventions in education have been carried out by the government. In order to avoid repeating the tragedies of the past where state political intervention in education resulted in the inculcation of unitary values and one-sided notions, education must not lose its constitutional character, with the dignity of the individual and the rule of law as its guiding principles.

3 Our efforts

We will strongly oppose and demand the correction of any violation of freedom of the mind that runs counter to the times, and will closely monitor the various educational measures based on the revised Basic Act on Education and excessive intervention in education by the government to ensure that they do not violate the constitutional character of education, such as by encroaching on the realm of individual freedom of the mind.

23. Freedom of Expression and Right to Know

In order to protect the free expression of citizens and to realize a democratic society through the free circulation of information, we will do our utmost to protect freedom of expression and the right to know of

citizens, and will take necessary actions against any move that infringes upon these rights.

We will continue to work toward scrapping of the Act on the Protection of Specially Designated Secrets and call for the enactment of the Basic Act on Freedom of Information (tentative name).

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1 Importance of freedom of expression

Freedom of expression is extremely important in supporting a democratic society.

In order to have a free and democratic society, we need to freely express our feelings and thoughts. In addition, in order to realize a free and democratic society, it is necessary for each and every one of us to have correct knowledge of facts about society, opinions of others, and other information.

Without the free circulation of information, a truly democratic society will not come about.

2 Facts in Japan

In recent years, the guarantee of freedom of expression in Japan has been undergoing a strong sense of crisis.

There have been a number of cases in which the distribution of leaflets has been prosecuted as a criminal offense, such as breaking and entering and obstruction of business. The Supreme Court, which is supposed to be the last bastion of human rights, has not put a stop to this trend. In April 2008, the Second Petty Bench of the Supreme Court upheld the lower court's conviction of a citizen who distributed leaflets against the deployment of the Self-Defense Forces in Iraq to the SDF government building, handing down a judgment that holding such citizen criminally liable for trespassing was not an infringement of freedom of expression. There is also a tendency for hotels to deny the use of their venues and movie theaters to give up on showing certain movies for fear of confusion caused by street protests.

In 2009, the JFBA issued the “Declaration for the Establishment of Freedom of Expression” at its Human Rights Protection Convention, stating that “excessive restrictions by the police, prosecutors and courts on the distribution of leaflets is a serious danger to the guarantee of freedom of expression for citizens. The court, as the guardian of the Constitution, should strictly examine whether the restrictions on citizens' freedom of expression are the minimum necessary.” Soon after, however, the Supreme Court upheld a conviction for trespass to a building in a case involving the distribution of political party leaflets in an apartment building, and in 2012 it upheld the acquittal of a state official in one case but upheld his conviction in the other of two cases involving the distribution of party bulletins.

Freedom of expression is essentially about reaching out to others, and it requires conflict and coordination with the interests of others. For this reason, it is prone to intervention by the power of the moment in the name of coordination of interests, and especially when the content of expression is directed toward criticism of power, the freedom of expression is prone to suppression. This is why freedom of expression is guaranteed by the Constitution. In cases where freedom of expression is at stake, such essence must be fully taken into account. It is also a problem that only cases involving the distribution of leaflets containing political arguments are targeted for criminal trials.

In Japan, the Ministry of Internal Affairs and Communications (MIC) is responsible for the supervision

of broadcasters, and the Ministry has been giving administrative guidance on the content of broadcasts, and Diet members have been making statements and engaging in behavior that interferes with the content of broadcasts. In particular, in February 2016, the then-Minister of Internal Affairs and Communications answered a question during the Diet session by saying that the government would make a judgment on whether a broadcaster's news reports were "politically impartial" as stipulated in Article 4, Paragraph 1, Item 2 of the Broadcasting Act, and based on that judgment, the government would issue administrative guidance and suspend radio waves under Article 76 of the Radio Act. In response to such statements and actions that infringe on the freedom of the press, the JFBA has been calling for the retraction of the government's position and the guarantee of the freedom of the press, and it is necessary to continue our efforts to protect the same.

Moreover, in the process of various legislations, for example, in the Human Rights Protection Bill, it was proposed that the Human Rights Remedial Organ, which had problems with its independence, be given the authority to regulate media coverage. In the course of deliberations on the Personal Information Protection Act (the Act on the Protection of Personal Information), it was proposed that the handling of information held by media organizations for the purpose of news reporting be regulated, and other provisions regulating news reporting by media organizations have been frequently brought up.

3 Enactment of and problems with the Act on the Protection of Specially Designated Secrets

Despite cautious arguments from experts in a wide range of fields, including journalists, researchers, writers, and people in the film industry, the Act on the Protection of Specially Designated Secrets was enacted on December 6, 2013, by a forced vote in both houses of the Diet.

While the Act includes provisions that give consideration to news gathering and the freedom of the press, news gathering is considered a legitimate act only in certain cases, and there is no such provision made for news reporting. Since the maximum penalty is 10 years imprisonment, not only is freedom of the press and freedom of reporting greatly restricted, but there is also a concern that it will have a chilling effect on the side of the press. Above all, since those who provide information to the media may be punished, there is a possibility that those who would otherwise provide information to the media will instead conceal the information and the free circulation of information will be hindered. As a result, the right to know will be greatly infringed.

In addition, the privacy of secret handlers and those around them will be violated by the investigation to assess the suitability of handling the designated secrets, and since the acts subject to penalties are broad and unclear, there is a risk that the Act will be applied arbitrarily, or that it will have a chilling effect on the news media. Thus, there is a problem from the perspective of the legal principle of punishment.

In his provisional report submitted on April 19, 2016, the UN Special Rapporteur on Freedom of Opinion and Expression, appointed by the UN Human Rights Council, expressed his concern over the chilling effect on the media, the violation of the citizen's right to know, and the wide range of acts subject to penalties. The Special Rapporteur also criticized the statement of the then-Minister of Internal Affairs and Communications mentioned in 2 above, saying that it could be perceived as a threat to the media.

Furthermore, on June 26, 2019, the Special Rapporteur will submit a report to the UN Human Rights Council expressing his concern about the independence of media in Japan.

4 Basic Act on Freedom of Information (tentative name) for enhancing the guarantee of the right to know

A closer look at the government's handling of public information in recent years reveals that it frequently does not make important public documents available, or otherwise easily destroys them. This is due to the government's lack of recognition that: (i) information disclosure is a form of accountability as an obligation of governmental agencies, which is a natural consequence of the principle of the sovereignty of the people; and (ii) it has high value in contributing to realizing the citizens' right to know and sound democratic processes.

In order to enact the Basic Act on Freedom of Information and to realize and develop the citizens' right to know guaranteed by Article 21, Paragraph 1 of the Constitution, it is necessary to clearly position public information as the people's information, establish the basic principles mentioned above, and clarify the responsibilities of the national and local governments.

5 Usefulness of the Internet

The Internet makes it easy to transmit and obtain information, and once information is published, it can be easily expanded. Moreover, because it is easy to send information anonymously, some people spread information on the Internet without being fully aware of their responsibilities. As a result, the Internet has some negative effects, such as the distribution of speech that harms the honor and privacy of individuals and information that is undesirable for the growth and development of children.

Strengthening measures to prevent defamation and invasion of privacy may, on the other hand, suppress people's speech. Moreover, from the perspective of preventing the distribution of harmful information for the sake of children, if consideration is not given to what exactly constitutes harmful information and what methods should be used to prevent its distribution, the regulations may become too broad and impede upon the free distribution of information.

In any case, if the regulations cause excessive intervention by public authorities, the information tools or the Internet will become meaningless for the freedom of expression and the guarantee of the right to know.

The Internet is a medium through which citizens, who have overwhelmingly been the recipients of information until now, can transmit information in an extremely effective manner, and it is a highly efficient means of fully guaranteeing freedom of expression and the right to know in the modern age.

We must make the most of the advantages of the Internet while preventing its harmful effects.

6 Our efforts

We will work to ensure that the freedom of leafleting and other forms of information dissemination by citizens is truly guaranteed, and will continually monitor to see if there is any unjustified administrative or legislative intervention into the media. We will also keep a close watch to prevent the government from

illegally and unfairly hiding information through the Act on Specially Designated Secrets, and continue to work toward the scrapping of the Act, while seeking the enactment of the Basic Act on Freedom of Information (tentative name).

In addition, we will continue to make proposals for the design of a system to prevent the harmful effects of Internet speech through self-regulation and judicial procedures as much as possible, and protect freedom of expression on the Internet.

24. Press and Human Rights

We will protect the honor and privacy of those who are reported on in the media, and make every effort to remedy human rights violations caused by the media.

We call on the media to realize the principle of anonymous reporting of suspects, defendants and victims, while also calling on newspapers, magazines and other print media to voluntarily organize third-party organizations for the relief of human rights violations caused by the press.

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1 Necessity of anonymous reporting

There are still cases of excessive reporting on citizens that violate their honor and privacy, such as reporting on suspects and defendants as criminals from the very beginning of the case, or revealing details of the private lives of crime victims and other people for the sake of interest.

To minimize the damage caused by the media, the media should, in principle, report on incidents anonymously, including suspects, defendants, victims, and related persons.

Especially now that the jury trial system has been adopted, the reporting of the investigation stage may have a great impact on the citizens, so the realization of anonymous reporting is required.

2 Necessity of establishing a third-party organization to provide relief for the damage caused by the media

To remedy damage caused by the media, it is necessary for media organizations to voluntarily establish a third-party organization to examine complaints of damage caused by the media. By doing so, it will be possible to bring about relief for victims of the press while preventing undue intervention of public power in speech. The JFBA has called for the establishment of a national human rights institution independent of the government. When such a third-party institution is established by the autonomous press, it should be given priority jurisdiction to deal with press damage.

3 Efforts to prevent press damage

With regard to the issue of anonymous reporting, some media organizations have gradually expanded the scope of anonymous reporting on suspects and victims, and a certain amount of progress has been made. As for the issue of third-party organizations, the broadcasting industry established the Broadcasting Rights Organization (BRO) in 1997 (now the Broadcasting Ethics and Programs Organization (BPO)), and the

Committee on Broadcasting and Human Rights thereunder has been working vigorously since such time.

However, the majority of media organizations still follow the principle of reporting with real names, and there is no movement in the print media toward establishing a third-party organization like the Committee on Broadcasting and Human Rights to deal with press damage beyond the frameworks of corporations.

We will continue to urge the mass media to shift from the principle of reporting incidents with real names to reporting incidents anonymously in principle, and will also continue to propose that the print media establish a third-party organization that transcends corporate boundaries to provide relief for those suffering from press damage.

25. Surveillance Society and Human Rights

1. From the perspective of human rights protection we will examine the legality of the nation's activities of collecting, accumulating, and integrating citizens' information to strengthen the surveillance of citizens' lives in the name of crime prevention and counter-terrorism.

In order to prevent the illegal and unjust collection and use of personal information by the state in the progress of the current information-based society, we will work to create a system from the perspective of personal information protection and disclosure of administrative information.

2. We will keep a close watch on the Act on Criminal Conspiracy so that it will not be applied arbitrarily, and will work toward the abolition of such Act.

We will closely monitor the operation of the investigative measures authorized by the domestic legislation following the ratification of the Cybercrime Convention.

We will closely monitor the legislative process and operation of the wiretapping laws and consider a system to ensure the appropriateness of intercepting communications, such as the establishment of a new third-party organization.

We are strongly opposed to the introduction of interception of conversations (room eavesdropping), as it would likely result in the unlimited interception of conversations in rooms and be a significant invasion of privacy.

We will prevent the introduction of the client tip-off system.

If new legislation is introduced to allow the installation of a Global Positioning System (GPS) terminal in the vehicle of the subject of an investigation, careful deliberation should be conducted to ensure that the requirements are not vague or unclear, and that the system is not operated arbitrarily. We call for careful deliberation and oppose any unjustified legislation.

3. We call for a review of: (i) the system of collecting fingerprints and facial information from foreign nationals at the time of entry into Japan (which can be used for criminal investigations); (ii) the system of always carrying residence cards; and (iii) the system of reporting school and employment information of foreign nationals.

4. We call for the establishment of a mechanism independent of the government with effective authority

and expertise to investigate and order correction of the acquisition, storage and use of personal information by the government.

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1 Basic position on the surveillance-based society

In the wake of the terrorist attacks on the United States on September 11, 2001, the world turned its attention to strengthening the surveillance of civil society in the name of counterterrorism. With pressure from the international community, many countries are now considering the introduction of conspiracy crimes and tip-off systems to combat international organized crime and terrorism. In Japan, in the name of strengthening counter-terrorism and anti-crime measures, there is a growing move toward strengthening surveillance and control of foreigners, imposing stricter penalties, and installing surveillance cameras in cooperation with the police. Many of these moves are based on methods of collecting, accumulating and integrating various types of personal information for use in surveillance, against the backdrop of the development of the current information-based society.

Allowing the state to access the details of citizens' lives, acquire and integrate personal information, and monitor individual lives and thoughts, will result in violation of the right to privacy, and as a result of citizens' fear of surveillance and regulations, the freedom of speech and expression that supports a democratic society will be atrophied. Furthermore, there is a risk that the system of "snitching" on others will lead to societal divisions.

We will strictly examine the necessity and appropriateness of various measures that lead to a surveillance-based society from the perspective of human rights protection.

Moreover, with the development of the current information-based society, the government and some corporations have been collecting and using a large amount of personal information, contributing to the increase of the risk of revealing the private lives of individuals and violating their dignity. We aim to create a system that prevents the illegal and unjust collection and use of personal information by the government and corporations. We will also examine individual mechanisms and cases from the perspective of personal information protection and disclosure of administrative information, and seek correction when problems are revealed.

2 Creation of and problems with the so-called "Conspiracy Crime"

The UN Convention against Transnational Organized Crime was adopted by the United Nations in November 2000 (as of the end of May 2014, 179 states have ratified the Convention). In 2003, in order to implement the Convention in the country, Diet proposed the establishment of a new crime of conspiracy. The crime of conspiracy is a system that is essentially punishable if there is an agreement between two or more individuals to commit a crime, even if there is no initiation of committing the actual crime, and investigation thereof can only be conducted by monitoring the lives of citizens. Through the investigation activities, such crime carries the potential to have a terrible impact on the freedom of thoughts and beliefs of citizens. For this reason, the JFBA has been strongly opposed to the enactment of such a law; however, the Revised Organized Crime Punishment Act, which includes the establishment of a new crime of

conspiracy, was enacted in June 2017 and came into effect in July of the same year.

The creation of the "crime of conspiracy" was carried out in the midst of many experts pointing out the dangers, including a letter of concern from the Special Rapporteur of the UN Human Rights Council.

The JFBA has consistently opposed the creation of "conspiracy crimes". The contents of the legislation that was finally enacted were not clear on the following points: (i) ordinary citizens could be the target of investigations; (ii) the criteria for being "transformed" into an "organized crime group" were unclear; and (iii) the crime could not be determined at the planning stage.

In order to determine whether or not a crime has been committed at the planning stage, it may be necessary to conduct investigations targeting e-mails, social media, etc., which may lead to an expansion of the interception of communications and the creation of a surveillance-based society.

Thus, it is necessary to pay sufficient attention to the revised Organized Crime Prevention Act so that it will not be applied arbitrarily and not cause a situation where human rights are violated.

We will continue to keep a close watch to ensure that the crime of conspiracy will not be applied arbitrarily, and will do our utmost to abolish the crime of conspiracy.

3 Criminal justice implemented within an international framework: efforts to strengthen surveillance

(1) The Cybercrime Convention poses a great risk of becoming a serious restriction on citizens' privacy and secrecy of communications. In November 2012, Japan also acceded to the Convention on Cybercrime, despite the JPBA's opposition of the ratification of the Convention without the maximum additions and reservations to the conditions allowed in each article from the perspective of human rights guarantees.

The Penal Code and the Code of Criminal Procedure were amended to improve national legislation for the ratification of the Convention. As for substantive law, the crime of making unauthorized electromagnetic records was newly established, and as for procedural law, a new search and seizure method for digitized computer information and a new system for requesting the preservation of electromagnetic records such as e-mails was established. We will continue to monitor the operation of these systems to ensure that the privacy of citizens and the secrecy of communications are not unjustifiably infringed.

(2) The Interception of Communications Act (Act on the Interception of Communications for the Purpose of Criminal Investigation) has been enacted against the background of international movements. In June 2016, following the report by the Special Subcommittee on the Criminal Justice System for a New Era of the Legislative Council, a revised law was enacted to expand the scope of crimes subject to interception of communications. In June 2019, an amended law was enacted to allow intercepted communications to be encrypted and transmitted to police headquarters nationwide without the presence of a communications carrier, and to allow recorded communications to be replayed after the fact. Since the interception of communications is an investigative method that violates the secrecy of communications and, by extension, the privacy of individuals, we will continue to keep a close watch on its operation and, if necessary, consider establishing a system to ensure the appropriateness of interception procedures, such as the establishment of a third-party organization. In addition, we will strongly oppose the introduction of room eavesdropping, which involves the interception of conversations in a room, because of the significant degree of privacy

violations which may arise.
(3) Based on the third "40 Recommendations" adopted by the Financial Action Task Force (FATF) in 2003, the "Bill on the Prevention of Transferring Proceeds of Crime" was submitted to the ordinary Diet session in 2007. Prior to the submission of such Bill to the Diet, it was planned to introduce: (i) an obligation to verify the identity of clients; (ii) an obligation to keep records of transactions; and (iii) a client tip-off system (gatekeeper regulation) that would require professionals, including lawyers, to report suspicious transactions to the National Police Agency if the client's transactions were suspected of involving money laundering. The JFBA opposed the legislation setting forth the duty to report suspicious transactions, and as a result, the government gave up on the idea of imposing such duty on professional businesses, including lawyers.

After that, the Act on the Prevention of Transferring Criminal Proceeds was enacted, and has since been amended twice. In this process, the JFBA, in light of the importance of anti-money laundering measures in the practice of law, adopted the JFBA's Rules and Regulations which stipulate the aforementioned items (i) and (ii), and responded to the two amendments of the said Act. In February 2012, the FATF adopted its fourth set of "40 Recommendations," and a cross-examination of Japan is scheduled for the fall of 2019. We must prevent the establishment of a client snitching system by ensuring the implementation of the above-mentioned rules and regulations.
(4) On March 15, 2017, the Grand Chamber of the Supreme Court rendered its first decision on the illegality of the installation of a Global Positioning System (GPS) terminal in the vehicle of the subject of a search without a court warrant, ruling that it "violates privacy and constitutes a compulsory search requiring a warrant," pointing out that there are doubts about using a warrant under the current Code of Criminal Procedure, and that "new legislative measures are desirable." It is expected that amendments to the Code of Criminal Procedure will eventually be submitted to the Diet in response to this Supreme Court decision. Therefore, we call for careful deliberation and oppose any unjustified legislation.

4 Measures against surveillance of foreign nationals by strengthening immigration and residency management

Since November 2007, all foreign nationals (excluding special permanent residents) seeking to enter Japan have been required to give their fingerprint and facial image information to the Immigration Center under the Immigration Control and Refugee Recognition Act. This information is stored even after their entry into and departure from Japan and can be used for criminal investigations. In addition, due to the amendment of the Act in July 2009, foreign nationals residing in Japan are required to carry a residence card with an IC chip embedded in it at all times, and schools and companies are required to report information on foreign nationals belonging to them to the government. Further, the Ministry of Justice has established a residency management system that compiles a database of information on the status of foreign residents.

Such a system that strengthens surveillance on foreigners infringes upon foreigners' right to control their own information and promotes discrimination and prejudice against foreigners, and we will call for a

review of the system and prevent the strengthening of new surveillance.

5 Establishment of a system to prevent a surveillance-based society

According to a document provided to the media by a former employee of the NSA (National Security Agency) and the CIA (Central Intelligence Agency), the NSA provided a monitoring system called "XKEYSCORE" to Japanese intelligence agencies to collect and search information such as e-mails on the Internet. Moreover, technology for accumulating large amounts of information, such as the Internet, surveillance cameras (with face recognition functions), and GPS devices, has been advancing drastically in Japan. The use of the My Number system is also being expanded. In modern society, the problem of infringement on the right to privacy and the right to control one's own information has become a reality, as private information, which should be protected, is freely collected and used by the state, and the creation of rules, systems and remedies to prevent such infringement has become an important issue. In the EU, the GDPR (General Data Protection Regulation) mandates strict standards, and member states have established data protection inspectors, such as the one in the Federal Republic of Germany.

In light of the specialized nature of this issue and the quasi-judicial nature of human rights protection, from the perspective of protecting the right to privacy and the right to control one's own information, it is necessary to establish standards in Japan for the acquisition, storage, and use of personal information in systems that can accumulate a large amount of personal information by law, and to ensure that the state and local governments are able to protect personal information. The Personal Information Protection Commission was established in 2016, and the Commission should be strengthened by extending its supervisory authority to the government for personal information other than specified personal information, as well as by increasing the number of its staff. We will take action to realize these recommendations.

26. Protection of Personal Information

In order to prevent the illegal and unjust collection and use of personal information by public authorities, we aim to improve the relevant systems by limiting the cases in which personal information can be collected without the consent of the individual or used for purposes other than those stated. At the same time, we will clarify the problems with individual systems and cases from the perspective of personal information protection, and seek to correct the same.

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Public authorities and some private companies have collected and used a large amount of personal information, and there have been concerns that this may expose the private lives of individuals and, in some cases, violate the dignity of individuals by causing them to be misrecognized and treated incorrectly. With the recent remarkable progress of information and communication technologies, a large amount of information can be accumulated and combined, and such danger is becoming extremely great.

The My Number Act (Act Concerning the Use of Numbers to Identify Specific Individuals in

Administrative Procedures) was enacted in 2013 and provides for the use of a lifelong, unchanging personal number in the fields of taxation and social security, further expanding the dangers described above. Furthermore, a number of policies have been announced to expand the use of the My Number system, such as managing savings accounts so that they can be searched using a person's My Number, using the My Number card for a reduced tax rate system when consumption tax is introduced, and linking a person's My Number with their family register information. It is necessary to oppose such moves.

In 2015, the Act on the Protection of Personal Information was amended to clearly state the purpose of the law, which is to protect personal information as well as "the proper and effective use of personal information." As a concrete measure to achieve this, a system of anonymizing personal information so that it cannot be restored has been introduced to utilize it as big data. In 2016, the Act on the Protection of Personal Information of Administrative Organs was revised for the same purpose, and the system of de-identified processed information was introduced. Furthermore, the government is trying to force local governments to amend their personal information protection ordinances to change the purpose provisions and introduce the system of de-identified processed information. However, anonymous processing and de-identified processing are risky from the perspective of personal information protection, and in the first place, changing the personal information protection law into a system for the utilization of personal information by the public and private sectors is itself problematic.

Due to the 2015 revision of the Act on the Protection of Personal Information, the Committee for the Protection of Specified Personal Information, which had been the supervisory body for the My Number system, was reorganized and replaced by the Committee for the Protection of Personal Information, which oversees the handling of personal information by the private sector in general. However, its authority does not extend to administrative agencies and independent administrative agencies, and this point needs to be improved. In addition, sufficient budget and staff should be secured to ensure the expertise, independence, and effectiveness of this Committee.

27. Business and Human Rights

In light of the international trend toward the increasing importance of human rights in business and cases of human rights violations caused by corporate activities, we will seek to realize mechanisms for the nation to protect against human rights violations, and to achieve respect for human rights by corporations themselves and access to effective remedies.

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1 International trends

With the globalization of corporate activities, the connectedness between business and human rights is attracting international attention. In 2011, the UN Human Rights Council unanimously approved the "Guiding Principles on Business and Human Rights: United Nations Framework for the Implementation of the 'Protect, Respect and Remedy' Principles" (Guiding Principles), establishing an international

framework for business and human rights. The framework has three pillars: the obligation of States to protect against human rights abuses by third parties, including business enterprises; the responsibility of business enterprises to respect human rights; and access to remedies. As one of the ways to implement the Guiding Principles, the development of national action plans is encouraged. As of February 2019, more than 20 countries have developed their own national action plans, which identify gaps between existing laws and human rights issues and provide a roadmap for national responses. In November 2016, Japan announced its intention to formulate the national action plan, which is currently under development. In 2015, the UN General Assembly adopted the "Sustainable Development Goals" consisting of 17 goals and 169 targets. The agenda includes an emphasis on the responsibility of all member states to respect, protect and promote the human rights of all people, and a call for businesses to comply with the Guiding Principles.

2 Efforts of the JFBA

In light of these international trends, in January 2015, the JFBA published the "Guidance for Human Rights Due Diligence (Guide)" for Japanese companies and lawyers advising companies. The Guidance provides an overview of the Guiding Principles and supply chain regulations. In addition, it introduces practical examples of corporate responsibility to respect human rights and model CSR clauses in supply chain contracts.

Moreover, the JFBA made recommendations to the Japanese government on the formulation of national action plans and priorities in national action plans, and also provided information on human rights issues faced by Japanese companies and society and gaps in the legal system in the baseline study conducted in preparation for the formulation of national action plans.

Subsequently, in August 2018, the JFBA published the "Guidance on Responding to Environmental, Social, and Governance (ESG) Risks" for companies, institutional investors, lending financial institutions, and lawyers advising these organizations. This Guidance provides practical guidance for companies to disclose their exposure to ESG-related risks, including human rights, as non-financial information, and also provides practical guidance for institutional investors and lending financial institutions to manage ESG risks of portfolio companies and to encourage them to respect human rights throughout the investment chain.

3 Efforts to be made in the future

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, cases of illicit treatment of foreign technical interns by Japanese companies and their supply chains have 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 must 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 companies 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 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 to avoid allowing 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 to diversify the types of lawsuits, and this 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 amendments have not been made for the issues (such as control of administrative planning and administrative discretion) that were left unresolved despite the fact that such 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 Appeals Act was drastically revised, and it came into force 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 public and, with a view toward the review after five years as stipulated in the Supplementary Provisions, we will make efforts for further revision to ensure that the Administrative Appeal Board is easier to use as a system and better contributes 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 the same.

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, and 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 a "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 the same.

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 Taxpayers

We will work toward institutionalizing and legislating the matters necessary for the protection and remedying 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 will also work to deepen society's understanding of taxpayers' rights and raise awareness of their importance, as well as 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 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 provisions on investigations of national taxes in Chapter 7-2 of the Act. Yet, there are still a number of issues to be

resolved (such as 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, there is a need to realize legislation to protect the rights and interests of taxpayers and to ensure proper procedures.

2 Legislative activities on taxation - recommendations

The JFBA has been promoting legislative activities in the past that 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 prepositioning 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 the examination), the right to ask questions of the person requesting the 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 in place, so it is essential to establish a “Charter of Taxpayer Rights”.

(2) Improvement of the appeal system and tax litigation

(i) 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.

(ii) 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.

(iii) 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; and the

structure of the hearing should be secured.

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

(v) 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.

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

(vii) 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 system.

(5) Taxation exemption of compensatory damages related to the nuclear power plant accident

The government should seek to legislate that compensatory 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 consumption tax. We will continue our efforts in this regard.

30. Local Autonomy

1. With the aim of achieving 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. The JFBA will take responsibility for recommending lawyers to local governments as members of councils and external auditors, dispatch legal counselors, increase the number of lawyers appointed as fixed-term employees, and systematically and continuously address the problems facing 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 the legislative and administrative powers to local governments.

The Decentralization Law abolished the delegated affairs of agencies, made the affairs of local governments autonomous affairs and made 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 establishing a local autonomy system, 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 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" (regional government 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 the *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

As a bar association, we 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 in the enactment of policy-oriented ordinances by local governments, dispatch legal counselors to deal promptly and appropriately with the 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.

In order to improve 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 they will become more 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, both inside and outside Japan, and to thoroughly promote education about peace.
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 peaceful diplomacy that respects the permanent pacifism of Japan's Constitution.
3. We urge governments around 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 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 both 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, abolishing nuclear weapons, and realizing the right to live in peace for all people around the world.

Specifically, we will call on the government and the Diet to enact the three non-nuclear principles into law at the earliest possible time, and to sign and ratify the Nuclear Weapons Convention. We will also call for the implementation of education about peace in elementary, junior high and high schools that respects the principles of permanent pacifism, as well as calling 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 in such 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 wil continue to 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 such declaration at the international and domestic levels.

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

Forty-seven years have passed since the reversion of Okinawa to Japanese sovereignty (May 1972) and 72 years since Japan's Constitution came into force.

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 in 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, an Osprey crashed along the coast of *Henoko*, and in October 2017, a CH53 helicopter

crash-landed and burst into flames in *Takae, Higashison*. The right of the people of Okinawa and other prefectures to live a peaceful existence 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 the 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 gubernatorial elections of 2014 and 2018, as well as in the prefectural referendum regarding the construction in February 2019. The problem is extremely serious because it is being enforced while ignoring the clear 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 add to the severity of the problems related to the stationing of U.S. forces and military bases. 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, and is 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 the 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 more than 59 years have now passed since its conclusion. During this period, the Cold War ended in 1989, the Soviet Union collapsed in 1991, while the philosophy surrounding human rights and environmental protection has greatly evolved and developed. 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 and has been confined to the old ideas of the occupation and the Cold War.

In particular, the fact that the Japan-U.S. Status of Forces Agreement fails to specify the application of domestic laws and regulations to the acts of U.S. military forces and 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 realizing the "rule of law" and human rights protection, it is essential and urgent that the Japan-U.S. Status of Forces Agreement be suitably revised 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: (i) the provision and return of facilities and areas; (ii) the application of Japanese laws and regulations to U.S. forces and the right to manage bases; (iii) environmental conservation and restoration; (iv) the arrival and departure of U.S. military ships and aircraft; (v) air traffic; (vi) the criminal liability of U.S. military personnel and civil employees; and (vii) the civil liability of the U.S., U.S. military personnel and civilians, and their families.

3 Our challenges

The Japanese government 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.

In order to establish the right to peaceful existence and realize 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 World War II, 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 Japanese government to make every effort to bring about recovery from 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 largely inadequate.

In World War II, Japan committed serious human rights violations across the Asian and Pacific regions, including massacres of the local populations, 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. 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 reparations treaties with the countries concerned, but

compensation for the individuals who were directly affected has not been taken into consideration, either domestically 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's "comfort women," the Japanese government has stated that this 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; however, 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 the 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 now growing old and many have already died. We will continue to urgently call for legislation and other measures that will enable the victims to obtain effective compensation.

Moreover, 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 recognizing 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 once again, but even with the new criteria, many applications were still rejected, and judicial decisions to remedy these rejections have been made one after another. In addition, the Atomic Bomb Survivors Support Law only provides compensation for a small portion of the lives and livelihoods that were taken from them. *Hibakusha* (i.e., people affected by the atomic bombs attacks against Hiroshima and Nagasaki), 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 such persons 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 such persons. 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 such nationals and their spouses, but still some problems remain, 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, other 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 the government to enact a law to provide compensation to these civilian war victims.

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

34. Issue of Constitutional Amendments

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 Japan's Constitution), 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 Japan's Constitution are realized and caused to permeate to every corner of society. 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 Constitutional principles

Based on the principle of constitutionalism, Japan's Constitution, 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, broadly means that politics should be conducted based on the provisions of the constitution, and the constitutionalism which is the basis of Japan's Constitution, 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 Japanese Constitution 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 the people) and restraining power by law. The Japanese Constitution also affirms the perpetuity and inviolability of fundamental human rights (Article 97), confirms the supreme law of the land (Article 98), imposes a duty on public officials to respect and defend the Constitution (Article 99), and grants the courts the power to review unconstitutional legislation (Article 81).

Thus, the Japanese Constitution is based on the principle of limiting the power of the state as the supreme law and guaranteeing the 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 proposed 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; 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 provisions.

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 on 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 for 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 a military organization, the "Self-Defense Forces," and its mission, "necessary measures for self-defense," to the Constitution. 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 principle of 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 for 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 other 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, and carries heavy penalties for any breach thereof. 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 as being 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 principle of permanent pacifism without military force stipulated in the Japanese Constitution, as well as being contrary to the philosophy of constitutionalism, which seeks to bind the abuse of power by the Constitution.

In addition, there is a move toward amending 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, a 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 of age after the elapse of four years from 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, while at the same time promoting efforts to ensure that the philosophy and fundamental principles of the Constitution permeate to every corner of society.

We will oppose changes to the basic principle of permanent pacifism in the Japanese Constitution by the government's reinterpretation of the Constitution and the 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 the same.

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 situation in Japan. We will also work toward realizing the government's implementation of the 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 a UN NGO

In 1999, the JFBA was recognized as an NGO with consultative status at the United Nations Economic

and Social Council. With this status, the JFBA has the privilege to make its own oral statements 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 and to seek their recommendations.

Recently, the JFBA has submitted its own NGO report in response 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 the 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 being 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 in Japan based on the outcome 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 oral statements during the review process.

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" are adopted, which include positive aspects, problems, concerns and recommendations regarding the human rights situations of the member state concerned. Of the many recommendations made toward Japan regarding the implementation of the treaties that Japan has ratified, only a few have actually been implemented through amendment to laws or improvement of institutions. This may be attributable to the insufficient dialogues between the relevant treaty body and the government, the lack of an appropriate administrative body (e.g., an independent national human rights institution) that is responsible for formulating policies or proposing amendments to laws, or the lack of a legislative body that could intensively

study and deliberate on the recommendations and formulate bills or policy recommendations.

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

4 Realization of the individual communications system

An urgent issue which needs to be addressed is the ratification of the Optional Protocol to the human rights treaties that provide for individual communications (the International Covenant on Civil and Political Rights, International Covenant on Social, Economic and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child), or the declaration of the acceptance of the provision for individual communications (the Convention against Torture, Convention on Enforced Disappearance, the 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 an enhanced inspection committee with improved independence.

6 Human rights education for legal professionals

In order to ensure the respect for international human rights norms as norms of the 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. Moreover, it has been necessary to give human rights education on international human rights to lawyers.

We therefore 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 raising awareness and conducting training on international human rights laws.

7 Efforts to address human rights violations and the establishment of the rule of law overseas

Our work toward international human rights is not only limited to within Japan, but we also raise our voice against any human rights violations that we find it appropriate to comment on from the perspective of international human rights law. In particular, when grave human rights violations occur in other parts of the world, such as oppression of lawyers or cases that threaten the rule of law, we will take appropriate measures in cooperation with international legal organizations.

It is also important for Japanese lawyers to be involved in the process of establishing the rule of law and improving access to justice in developing countries, including countries that have undergone conflict. In cooperation with the Ministry of Justice, the Japan International Cooperation Agency (JICA) and private foundations, the JFBA has provided international judicial assistance to lawyers and bar associations in Cambodia, Mongolia, Vietnam, Laos, and other countries. We have also held international conferences for the improvement of access to justice with Asian countries. In addition, together with the UN agencies, we have conducted training on international human rights law for lawyers in Cambodia, Iraq and other countries. We will continue such efforts in the future.

8. Interaction with international human rights organizations

The JFBA has been working with the International Bar Association (IBA), the Law Association for Asia and the Pacific (LAWASIA), the Union Internationale des Avocats (UIA) and other international lawyers associations, as well as with the Asia-Pacific Network of National Human Rights Institutions (APF). We will strive to strengthen these activities.

9 Use of international human rights law in legal reform

International human rights law can be used to amend obsolete laws to make them more human-rights-oriented. For example, in the lawsuit challenging a provision of the Civil Code that imposes a six-month ban on remarriage after divorce only on women, an argument was made based on the recommendation by CEDAW to the government pointing out that such a ban on remarriage was a legislative fact that would affect the interpretation of the Constitution. The 2015 Supreme Court decision that declared this provision of the Civil Code unconstitutional led to the amendment of the code in 2016.

In a lawsuit involving an unregistered child, it was contended that the Civil Code provision that allowed only the father to exercise the right to deny the legitimacy of his child's birth violated the Constitution, and the first instance judgment held that "it cannot be denied that the provisions of treaties or recommendations made to Japan or legislation in other countries could be legislative facts." (Kobe District Court judgment of November 29, 2017. This was later confirmed in the second instance, and as of July 2019, the case is pending before the Supreme Court).

We will continue to make use of international human rights law to achieve legal reform.

36. National Human Rights Guarantee System

1. We will take the following actions to improve the effectiveness of the human rights national guarantee system.
(1) In order to eliminate barriers to access to justice and effectively protect the right to a fair and speedy trial, we will call for the expansion of the human and material infrastructure of the judiciary, lower or fixed fees for filing cases, the enactment of new acts to improve and expand the operation of civil legal aid, the expansion of the scope of rights protection insurance, and the establishment of a system to ensure the reliability of the use of insurance. In addition, we will call for the expansion of the scope of rights protection insurance and the establishment of a system to ensure the reliability of the use of insurance.
(2) We will work to ensure that rights relief organizations, such as the government, fulfill their essential roles and that alternative dispute resolution procedures of bar associations are able to further demonstrate their rights relief functions.
(3) We will aim to establish a domestic human rights institution independent of the government that meets the Paris Principles.
2 We will actively work to achieve the dissemination and practice of legal education, which is the foundation of a constitutional democratic society.
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1 The need for a national human rights protection system

In order to protect human rights and realize social justice, it is important not only to establish and extend substantive rights, but also to establish an effective national human rights protection system that is accessible to citizens and meets the standards of the Constitution and international human rights law, as well as to guarantee procedural rights.

2 Improvement of access to justice and human rights remedy functions

For the establishment of a national human rights protection system, the judiciary (courts) of Japan must fulfill its human rights remedial function as a “fortress of human rights”.

To this end, the judiciary (courts) must be recognized as a human rights protection institution, and the infrastructure and systems thereof must be developed so that judicial decisions can be actively made to redress human rights issues.

Furthermore, access to justice must be ensured and equal opportunities to receive legal services from courts and lawyers must be guaranteed. This is an essential institutional foundation for ensuring the practical guarantee of the right to trial (Article 32 of the Constitution) and the right to counsel (Article 34 of the Constitution), as well as a requirement for equality under the law (Article 14 of the Constitution). Therefore, it is the responsibility of the State, the local governments and the JFBA to guarantee access to justice. In order to realize the above, we will work toward achieving the following:

For the state, we call for a significant increase in the judicial budget and in the number of judges and public prosecutors, as well as for the enhancement of the functions of local district and family court branches and summary courts so that judicial services can be provided equally in every corner of the country. At the same time, through the improvement of various systems and their operation, we aim to realize a judiciary that is easy to use and dependable. In addition, in order to ensure access to justice, the JFBA will work toward realizing low and fixed fees for filing lawsuits.

The JFBA has been actively working toward ensuring the expansion of legal aid, the nationwide development of legal counseling centers, the duty lawyer system, and the establishment of public offices in areas where there are few lawyers, while pointing out the government's responsibility for these efforts, with the aim of realizing "a society where anyone can receive high-quality legal services anytime, anywhere." At present, there are calls for the expansion of civil legal aid in a wide range of fields, including for consumers, the elderly, the disabled, labor, domestic affairs, foreigners (language interpretation), juveniles, the poor, and detainees (damage compensation orders), among others. In the future, we need to actively work toward ensuring the expansion of the civil legal aid system in general, including the expansion of the number of cases and persons eligible for civil legal aid, and the review of costs and the way they should be borne (introduction of a benefit system and relaxation of financial standards).

In addition, in order to facilitate access to justice, we will continue to expand the scope of rights protection insurance to cover not only automobile insurance but also a wide range of non-life insurance, and to ensure the reliability and fairness of the use of insurance, while working on the development of dispute resolution procedures related to rights protection insurance and the expansion of resolution organizations.

3 Enhancement of the functions of human rights relief organizations such as the government and ADR by bar associations

To ensure the rule of law and the guarantee and realization of rights, not only the judiciary (courts) but also administrative and other human rights relief organizations and alternative dispute resolution (ADR) are widely used in various ways. In this regard, not only ADRs established by bar associations, but also administrative ADRs, industry ADRs, and certified ADR organizations such as those of various professions, fulfill the function of rights relief through independent, fair, prompt, and appropriate dispute resolution.

In order for third-party organizations established by administrative organs for rights redress to fulfill their original roles, we will strengthen the necessary efforts and further enhance the ADR system and the functions thereof.

4 Importance of dissemination and practices of legal education in a constitutional democratic society

In order to realize a constitutional democratic society where human rights are fully protected, each citizen needs to learn the meaning of human rights, so that they can understand that each person has different opinions and values, and engage in discussions while respecting each other. To realize such a society, it is necessary to foster citizens who understand the principles behind the Constitution and the law,

and who are capable of resolving disputes autonomously based on reasoned arguments.

As legal education is introduced into public education such as elementary, junior high and high schools, and a system for accepting outside instructors into schools is being established, lawyers who understand the principles of law and have the skills to engage in rational discussions must play a central role in the spread and practice of legal education. We must work more actively with educational institutions to promote the spread and practice of legal education.

5 Establishment of a national human rights institution in accordance with the Paris Principles

The court system requires a lot of money and time for those involved, and it is sometimes legally difficult for the courts to provide redress even for events that are recognized as constituting serious human rights violations from a social perspective. In addition to the judiciary, there is a need for an institution that can make recommendations to the legislature and the administration from the viewpoint of human rights.

In December 1993, the United Nations adopted the "Principles relating to the Status of National Human Rights Institutions" (the Paris Principles) and urged member states to promote and establish a national human rights institution and to ensure their independence from governments as a perfect national human rights institution. In accordance with the Paris Principles, national human rights institutions are positioned within the international human rights protection system to play a role in the implementation of human rights treaties at the national level. National human rights institutions are expected not only to provide remedies for individual human rights violation cases, but also to make recommendations on national human rights policies and to play a role in the area of human rights education for national institutions and citizens.

In relation to Japan, the UN Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Social, Economic and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, and other treaty bodies have issued observations calling for the establishment of a national human rights institution in accordance with the Paris Principles. In addition, the UN Human Rights Council, based on its Universal Periodic Review (UPR), recommended that Japan establish a national human rights institution as early as possible. The Committee of the Convention on the Rights of Persons with Disabilities, that Japan ratified in 2014, also calls for the establishment of a national human rights institution to be responsible for the implementation and monitoring of the Convention.

On November 18, 2008, the JFBA announced the "Outline of the System of National Human Rights Institution proposed by the JFBA", and in June 2009, it launched the Committee for the Realization of Domestic Human Rights Organs and has been lobbying the government to establish a domestic human Establishment of National Human Rights Institution" since such time.

In response, in November 2012, the government submitted the "Bill for the Establishment of the Human Rights Committee" to the Diet.

Although the Bill still had some problems in terms of independence from the government, it was expected that necessary amendments would be made and a national human rights committee would be established at an early stage; however, the dissolution of the House of Representatives in the same year led to the Bill

being scrapped, and there has been no move to submit an amended Bill since then.

We will continue to work for the prompt establishment of a national human rights institution that ensures independence, in order to realize the eradication of human rights violations and discrimination.

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 civil life by the nation, and the creation of a personal information protection institution independent of the government (similar to the Data Protection Inspectorate in the EU), which will make recommendations on the collection, storage and use of personal information by the national government, local governments and other institutions.

The overall revision of the Prisons Act 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 the recognition of refugee status, and of an information disclosure and external monitoring mechanism for the prevention of pharmaceutical damage.