



Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023**Japan****Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights****I. Background**

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

II. Scope of international obligations and cooperation with human rights mechanisms

2. Several Committees urged Japan to ratify the international human rights instruments that it had not yet ratified.²

3. The Committee on the Elimination of Racial Discrimination recommended ratifying the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169).³ The same Committee, the United Nations High Commissioner for Refugees (UNHCR) and the Committee on the Rights of the Child recommended ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁴

4. The Committee on the Rights of the Child also recommended ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, the Protocol on the Law Applicable to Maintenance Obligations thereto and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.⁵

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended ratifying the Convention against Discrimination in Education and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.⁶

6. The Committee on the Rights of the Child recommended that Japan withdraw its reservation to article 37 (c) of the Convention.⁷ The Committee on the Elimination of Racial Discrimination recommended that Japan withdraw its reservation to article 4 of the



Convention.⁸ The Committee on the Rights of Persons with Disabilities recommended that Japan withdraw its interpretative declaration related to article 23 (4) of the Convention.⁹

7. The Committee on the Elimination of Racial Discrimination was concerned that several recommendations from its previous concluding observations remained unimplemented, and recommended ensuring their implementation.¹⁰

8. The Committee on Enforced Disappearances encouraged Japan to recognize the Committee's competence under article 31 of the Convention.¹¹ The Committee on the Elimination of Racial Discrimination encouraged Japan to make the optional declaration under article 14 of the Convention and ratify the amendment to article 8 (6) of the Convention.¹²

9. The same Committee encouraged Japan to update its common core document, which dated from 2012, by 14 January 2023.¹³ UNESCO recommended regularly submitting reports on the Recommendation against Discrimination in Education.¹⁴

10. In 2020, Japan submitted its midterm report regarding the implementation of the recommendations made during the third cycle of the universal periodic review in 2017.¹⁵

11. Japan has continued to contribute financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) since 2017.¹⁶

III. National human rights framework

12. The Committee on the Elimination of Racial Discrimination was concerned that the process of adopting a human rights commission bill establishing a national human rights institution was interrupted in 2012 and that no progress had been made since then. Several treaty bodies recommended establishing, or requested information on the establishment of, a national human rights institution with a broad mandate to promote and protect human rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁷ The Committee on the Elimination of Discrimination against Women also asked about the obstacles to establishing an independent body to monitor and assess the impact of measures taken to eliminate discrimination against women belonging to minority groups.¹⁸

13. While noting that 33 ombudsperson units for children had been established at the local level, the units reportedly lacked independence. The Committee on the Rights of the Child recommended establishing a national mechanism for reporting and follow-up and establishing a coordinating body to coordinate all activities related to the implementation of the Convention on the Rights of the Child with an independent mechanism for monitoring children's rights.¹⁹

1. Constitutional and legislative framework

14. The Human Rights Committee asked Japan to respond to concerns that the proposed deletion of article 97 of the Constitution upholding the inviolability of fundamental human rights, as part of constitutional revisions, would undermine the protection of human rights, including Covenant rights, domestically.²⁰

15. The Committee on the Elimination of Racial Discrimination regretted that the definition of racial discrimination in the Constitution was not in line with the Convention. It recommended adopting specific comprehensive legislation prohibiting direct and indirect racial discrimination; amending the Hate Speech Elimination Act; and investigating and applying sanctions for hate crimes, racist hate speech and incitement to hatred by private individuals or public officials, including politicians and media professionals.²¹ The Committee on the Rights of the Child also recommended enacting comprehensive anti-discrimination legislation.²² The Human Rights Committee asked about the steps taken to adopt comprehensive anti-discrimination legislation.²³

2. Institutional infrastructure and policy measures

16. The Committee on the Rights of the Child recommended: developing a comprehensive child protection policy and a comprehensive implementation strategy for the policy, supported by sufficient human, technical and financial resources; broadening the dissemination of information on the Convention; and periodically conducting specific training sessions for all persons working for and with children.²⁴

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

17. The Committee on the Elimination of Racial Discrimination welcomed measures taken to address hate speech. However, it remained concerned that the scope of the Hate Speech Elimination Act was too narrow, and even after the passage of the Act, in June 2016, hate speech and incitement to violence continued.²⁵ The Human Rights Committee requested Japan to respond to reports of: widespread racial discrimination and hate speech targeting minorities, including in political discourse, in the media and on the Internet, targeting minorities such as ethnic Chinese, Burakumin, indigenous peoples in the Ryukyu Islands/Okinawa and, especially, ethnic Korean residents; street demonstrations that incited discrimination against ethnic minorities; and the proliferation of false stories encouraging such discrimination. It was also concerned that the Act failed to directly prohibit hate speech or punish such conduct. It urged Japan to report on any other measures taken to prohibit propaganda advocating racial superiority or hatred that incited discrimination, hostility or violence and on the ensuing investigations and convictions.²⁶ The Committee on the Elimination of Racial Discrimination recommended making efforts to ensure that Korean women and children were protected from multiple forms of discrimination and hate speech.²⁷

18. The same Committee recommended that Japan give effect to the Durban Declaration and Programme of Action, taking into account the outcome document of the Durban Review Conference.²⁸

2. Right to life, liberty and security of person, and freedom from torture

19. The Human Rights Committee requested Japan to clarify whether measures were being planned or taken towards the abolition of the death penalty and, while pending abolition, if they had taken steps to ensure that the death penalty could be imposed only for the most serious crimes. It requested Japan to report: on measures taken to provide individuals on death row and their families with reasonable advance notice of the scheduled date and time of execution; if they refrained from imposing solitary confinement on death row prisoners, except in the most exceptional circumstances and for strictly limited periods; on steps taken to strengthen legal safeguards against wrongful convictions and to guarantee that confessions obtained by torture or ill-treatment were not admissible as evidence in capital cases; and on steps to respond to reports alleging that persons with serious psychosocial and intellectual disabilities continued to be subjected to the death penalty.²⁹

3. Human rights and counter-terrorism

20. The Human Rights Committee requested that Japan comment on concerns that the draft constitutional proposals provided for broad derogations in times of emergency, and elaborate on measures taken to ensure that any amendments to regulations governing states of emergency were compatible with article 4 of the International Covenant on Civil and Political Rights. It requested that Japan respond to concerns that the Act on Punishment of Organized Crime and Control of the Proceeds of Crime might unduly restrict the freedoms of expression, assembly and association and lead to violations of the right to liberty and security and the right to a fair trial, as suggested by 277 new crimes that were apparently unrelated to terrorism and organized crime.³⁰

4. Administration of justice, including impunity, and the rule of law

21. The Committee on Enforced Disappearances considered that the legislation to prevent and punish enforced disappearances was not in compliance with certain obligations under the Convention. It was further concerned that national legislation did not guarantee the right of victims of enforced disappearance to an effective remedy. It recommended taking legislative measures to incorporate into domestic law an absolute prohibition of enforced disappearance, as an autonomous offence that was not subject to any statute of limitations.³¹

22. The same Committee was deeply concerned about the conditions and restrictions in national legislation to the rights guaranteed under article 17 (2) (d) of the Convention in places of deprivation of liberty and about reports of non-observance of rights, including restrictions on: communication, including with consular authorities for foreigners, family and lawyer visits, and recordings during visits, as well as the restriction, prohibition and examination of correspondence, particularly in languages other than Japanese. It recommended that Japan guarantee those rights and ensure the independence of the authorized mechanisms for visiting those places.³²

23. The same Committee was concerned about the lack of remedies available to challenge the lawfulness of deprivation of liberty. It recommended adopting the necessary measures to establish that the right to apply for habeas corpus could not be restricted under any circumstances.³³

5. Fundamental freedoms and the right to participate in public and political life

24. UNESCO recommended decriminalizing defamation and placing it within a civil code that was in accordance with international standards; and considering the amendment of the Specially Designated Secrets Act to include an exception to guarantee that individuals, including journalists and government employees, were not punished for disclosing information of public interest that did not harm national security. It encouraged establishing an independent oversight board equipped with experts to serve as an oversight mechanism of the Act.³⁴

6. Right to privacy

25. The Committee on the Elimination of Racial Discrimination was concerned by the reported continuation of ethnic or ethno-religious profiling. It recommended putting an end to ethnic or ethno-religious profiling and surveillance of Muslims of foreign origin by the police; and undertaking thorough and impartial investigations into all allegations of profiling and mass surveillance, holding those responsible accountable and providing effective remedies, including guarantees of non-repetition.³⁵ The Human Rights Committee also asked that Japan report on measures taken to prevent blanket surveillance and information-gathering activities targeting Muslims, and provide for safeguards against unlawful surveillance.³⁶

7. Prohibition of all forms of slavery, including trafficking in persons

26. While noting information provided by Japan on efforts to resolve the issue of “comfort women”, the Committee on the Elimination of Racial Discrimination was concerned at reports that: they did not take a fully victim-centred approach; the surviving comfort women had not been adequately consulted; and the solution did not acknowledge unequivocal responsibility for the human rights violations committed against them by the Japanese military before and during the Second World War. It was also concerned by statements of some public officials, minimizing the responsibility of the Government with respect to comfort women, and their potential negative impact on survivors. It recommended Japan to ensure a lasting solution inclusive of comfort women of all nationalities, accepting responsibility for its role in the violation of the human rights of these women.³⁷ In the light of the pressing and unresolved issue of the responsibility of Japan for violations committed against “comfort women”, the Committee on the Elimination of Discrimination against Women asked Japan to provide information on measures taken to recognize the right of victims to truth, justice and a remedy, with full and effective redress and reparation.³⁸

27. The Committee on the Elimination of Racial Discrimination was concerned by reports that minority women and girls were still being subjected to trafficking in Japan, in particular for sexual exploitation, and that the number of arrests and convictions was low. It recommended that Japan step up efforts to combat trafficking and adopt specific legislation criminalizing it; and ensure that it thoroughly investigated, prosecuted and punished perpetrators.³⁹ The Committee on the Rights of the Child also recommended increasing efforts to bring perpetrators of child trafficking to justice and increasing the penalties for child trafficking; and enhancing victim screening to ensure that child victims were properly identified and referred to services and assistance.⁴⁰ The Committee on the Elimination of Discrimination against Women asked Japan to provide information on the results achieved under the action plan to combat trafficking in persons.⁴¹

8. Right to work and to just and favourable conditions of work

28. The ILO Committee of Experts on the Application of Conventions and Recommendations urged the Government to take the necessary measures to amend the current legislation with a view to giving full expression to the principle of equal remuneration between men and women for work of equal value enshrined in the Convention.⁴² The Committee asked Japan to provide information on the measures taken to promote women's access to a wider range of jobs with career prospects and higher pay.⁴³

29. Several special procedure mandate holders were deeply concerned about possible exploitation by deception regarding the risks of exposure to radiation, possible coercion into accepting hazardous working conditions because of economic hardships, and the adequacy of training and protective measures. They urged Japan to act urgently to protect tens of thousands of workers who were reportedly being exploited and exposed to toxic nuclear radiation in efforts to clean up the damaged Fukushima Daiichi nuclear power plant.⁴⁴

9. Right to an adequate standard of living

30. Several special procedure mandate holders were concerned that Japan was condemning more and more people to living in poverty, urging Japan to review a series of planned benefit cuts that threatened the minimum social protection for the poor, particularly those with disabilities, single parents and their children, and older persons living in poverty.⁴⁵ The Committee on the Elimination of Discrimination against Women asked Japan to report on the efforts undertaken and the outcomes achieved with regard to the Committee's previous recommendation aimed at minimizing disproportionate impacts on women and girls due to poverty and at reforming the pension scheme, with a special focus on widows, women with disabilities and older women, in order to guarantee a minimum standard of living.⁴⁶

10. Right to health

31. The Special Rapporteur on leprosy noted that while the measures that followed the 2001 and 2019 court decisions in favour of persons affected by Hansen's disease and their family members were positive and highly comprehensive, some gaps in the reparation programmes were identified. She recommended connecting restorative justice to prevention; guaranteeing the non-recurrence of gross human rights violations; expanding the scope of reparation programmes in order to ensure effective healing; and responding to the current and varied needs of persons affected by Hansen's disease, taking a human rights-based approach.⁴⁷

32. The Committee on the Elimination of Discrimination against Women noted that the Penal Code criminalized abortion. It asked for information on the accessibility and availability of safe abortions and on efforts made to adopt a comprehensive plan aimed at preventing suicide among women and girls.⁴⁸

33. The Special Rapporteur on hazardous substances and wastes were disappointed to see Japan ignore the recommendation made during the previous universal periodic review cycle to return back to what it considered an acceptable dose of radiation before the nuclear disaster. The Special Rapporteur said Japan should provide full details on policy decisions in relation to the Fukushima Daiichi nuclear accident.⁴⁹ The Committee on the Elimination of Discrimination against Women asked Japan to elaborate on the health status of women

affected by radiation contamination; indicate the damage to health caused by the Fukushima Daiichi nuclear power plant accident; and advise whether a system had been established to provide medical treatment to girls and women, including pregnant women, affected by radiation in Fukushima prefecture.⁵⁰

11. Right to education

34. UNESCO noted that education was compulsory and free for only nine years, which did not preclude the possibility of other direct fees and charges being imposed. It recommended introducing a legal provision guaranteeing at least 12 years of free primary and secondary education.⁵¹

35. UNESCO noted progress made to ensure gender equality while noting that further protection from gender-based violence in educational institutions was needed, and the legislation could explicitly proscribe such violence. It recommended introducing legal protections against all forms of violence, including gender-based violence, in educational settings.⁵² The Committee on the Elimination of Discrimination against Women also asked for information on how Japan intended to prevent, punish and eradicate violence against women and girls in educational institutions, including bullying and expressions of racist sentiments targeting women and girls from minority groups.⁵³

36. The Committee on the Elimination of Racial Discrimination reiterated its previous recommendation that Japan ensure that Korean schools were not discriminated against with regard to funding from the High School Tuition Support Fund, to ensure that Korean students had equal educational opportunities, without discrimination.⁵⁴ The Human Rights Committee asked about the same issue.⁵⁵ The Committee on the Elimination of Discrimination against Women noted that Ainu and Buraku girls had difficulties accessing scholarships, while Zainichi Korean students were excluded from the tuition fee waiver programme and public scholarship programmes.⁵⁶ The Committee on the Rights of the Child recommended facilitating the extension of the tuition waiver programme to Korean schools, while ensuring that access to university and college entrance examinations was non-discriminatory.⁵⁷

37. The Committee on the Elimination of Discrimination against Women asked for information on specific measures taken to increase the proportion of women who enrolled in and completed tertiary education, including in fields of study that were traditionally male-dominated.⁵⁸

38. The Committee on the Rights of Persons with Disabilities was concerned about the perpetuation of segregated special education of children with disabilities. It urged Japan to recognize inclusive education within its national policy on education, its legislation and its administrative arrangements, ensure access to regular schools and address barriers in higher education.⁵⁹

12. Cultural rights

39. UNESCO encouraged facilitating the participation of communities, practitioners, cultural actors and civil society organizations. It urged expanding the scope of application of freedom of expression to include scientists and scientific researchers.⁶⁰

13. Development, the environment, and business and human rights

40. The Committee on the Rights of the Child recommended that Japan ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development, and urged it to ensure the meaningful participation of children in achieving the Sustainable Development Goals as far as they concern children.⁶¹

41. The same Committee recommended that, when developing the national action plan on business and human rights, Japan ensure that children's rights were integrated and that companies carried out human rights impact assessments of their business activities, and that Japan adopt and implement regulations to hold the business sector accountable for complying

with international standards, including on labour and the environment, that were relevant to children's rights.⁶²

42. The Committee on the Elimination of Discrimination against Women requested that Japan elaborate on the climate mitigation and energy policy and indicate the provisions made to integrate a gender perspective into the framework for climate change adaptation and disaster risk reduction.⁶³

43. Some special procedure mandate holders were deeply concerned by reports that Japan had accelerated its timeline for the release of radioactive waste water into the ocean. They urged delaying any decision on the dumping of nuclear waste water from the reactors at Fukushima Daiichi until after proper international consultations had been conducted.⁶⁴ Experts also said that contaminated water still remaining at the plant posed major environmental and human rights risks and that discharging it into the ocean was not an acceptable solution, and that doing so would represent a failure to uphold human rights, including the human rights of children, exposing them to further risks both inside and outside Japan.⁶⁵ Experts reminded Japan of its international obligations to prevent exposure to hazardous substances, conduct environmental impact assessments of the risks that the discharge of water could have, prevent transboundary environmental harms and protect the marine environment.⁶⁶

B. Rights of specific persons or groups

1. Women

44. The Committee on the Elimination of Discrimination against Women asked for information on specific measures taken to introduce a comprehensive definition of discrimination against women that encompassed direct and indirect discrimination.⁶⁷

45. The same Committee asked Japan to report on the steps taken to amend the Penal Code to ensure that it addressed violence against women, including through provisions penalizing domestic violence, marital rape and incest.⁶⁸ The Human Rights Committee also asked Japan to report on any new measures taken to: combat domestic violence; investigate all reports of domestic violence and prosecute perpetrators; and, where relevant, ensure that assurances against loss of immigration status were in place for those victims who were migrant women and members of minority communities.⁶⁹

46. The Committee on the Elimination of Discrimination against Women observed the lack of representation of women in political and public life, in particular in senior positions. It called upon Japan to provide information on the changes made to the content of the legislation on political parties and updated statistics on women's participation in the legislature, the executive and the judiciary.⁷⁰

47. In a follow-up letter, the same Committee urged Japan to amend the Civil Code in order to raise the legal minimum age of marriage for women to 18 in order for it to be equal to that of men, and to abolish any waiting period for women to remarry upon divorce.⁷¹

2. Children

48. While noting the information on amendments to various laws, the Committee on the Rights of the Child recommended adopting a comprehensive law on children's rights and taking steps to fully harmonize its existing legislation with the Convention. It also recommended repealing all provisions that discriminated against children on any basis, particularly against children belonging to ethnic minorities, children of non-Japanese origin, lesbian, gay, bisexual, transgender and intersex children, children born outside marriage and children with disabilities.⁷²

49. The same Committee was concerned about the high level of violence, sexual abuse and exploitation of children, and recommended prioritizing the elimination of all forms of violence against children; strengthening efforts to investigate such cases and bringing perpetrators to justice; and conducting awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse. It urged introducing a

mandatory judicial review for determining whether a child should be removed from the family, and abolishing the practice of temporary custody of children in child guidance centres.⁷³

50. The same Committee was seriously concerned that the prohibition of corporal punishment in schools was not effectively implemented, and that it was not fully prohibited by law at home and in alternative care settings.⁷⁴ The Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities urged Japan to explicitly and fully prohibit all corporal punishment and strengthen its measures to eliminate that practice in all settings.⁷⁵ The Committee on the Elimination of Discrimination against Women also asked Japan to provide information on the steps taken to prohibit and eliminate corporal punishment of children.⁷⁶

51. The Committee on the Rights of the Child urged Japan to research the root causes of suicide among children, implement preventive measures and equip schools with social workers and psychological consultation services.⁷⁷

52. In view of the fact that the relative child poverty rate had remained high over the past few years, the same Committee strongly recommended setting up a budgeting process that included a child-rights perspective, specified clear allocations to children and included specific indicators.⁷⁸

53. The same Committee recommended that Japan maintain a registry of all adopted children and set up a central authority for intercountry adoption.⁷⁹

54. The same Committee was seriously concerned that the “minimum age for criminal punishment” was lowered from 16 to 14 years. It urged Japan to bring its juvenile justice system fully into line with the Convention and to reconsider shifting the minimum age back to 16.⁸⁰

55. The same Committee recommended criminalizing the production, distribution, dissemination, offering, selling, accessing, viewing and possession of images and representations of children, or persons predominantly depicted as children, engaging in explicit sexual activities, or any representation of the sexual parts of a child for sexual purposes; banning commercial activities that facilitated or led to child prostitution and sexual exploitation of children, such as *joshi kosei* services and child erotica; and increasing efforts to investigate, prosecute and sanction offences related to the online and offline sale of children, child prostitution and child pornography, to ensure accountability of perpetrators and redress for child victims.⁸¹

3. Persons with disabilities

56. The Committee on the Rights of Persons with Disabilities was concerned about the limited scope of the definition of persons with disabilities in the Act for Eliminating Discrimination against Persons with Disabilities, which did not include multiple and intersectional forms of discrimination; and the lack of harmonization of disability-related national legislation and policies with the human rights model of disability. It recommended harmonizing all disability-related national legislation and policies with the Convention; and abolishing derogatory language and legal restrictions.⁸² The Committee on the Rights of the Child recommended adopting a human rights-based approach to disability, and setting up a comprehensive strategy for the inclusion of children with disabilities.⁸³

57. The Committee on the Rights of Persons with Disabilities recommended ensuring active, meaningful and effective consultations with the diversity of representative organizations of persons with disabilities. It was also concerned with the lack of sufficient measures to promote gender equality in disability-related legislation and policies. It recommended adopting measures to ensure equality and taking measures to empower women and girls with disabilities.⁸⁴ The Committee on the Elimination of Discrimination against Women noted reports on the obstacles facing girls with disabilities in terms of access to education.⁸⁵

58. The Committee on the Rights of Persons with Disabilities recommended abolishing all legal provisions legitimizing forced treatment of persons with psychosocial disabilities and leading to their ill-treatment; establishing an effective independent monitoring

mechanism in psychiatric settings; and setting up accessible mechanisms to report, prosecute and punish cruel, inhuman or degrading treatment in psychiatric hospitals.⁸⁶

4. Indigenous Peoples and minorities

59. While noting recent efforts by Japan to protect and promote the rights of the Ainu people, the Committee on the Elimination of Racial Discrimination was concerned about cases of discrimination against them. It recommended stepping up efforts to eliminate discrimination against Ainu in employment, education and access to services; improving their living standard; adopting measures to protect their land and natural resource rights; continuing to step up efforts for the realization of their rights to their culture and language; and increasing the proportion of Ainu representatives on the Council for Ainu Policy Promotion and other consultative bodies.⁸⁷

60. The same Committee was concerned that the Ryukyu/Okinawa were not recognized as Indigenous Peoples. It was also concerned at reports of violence against women in Okinawa, and challenges they reportedly faced related to accidents involving military aircraft in civilian areas, owing to the presence of a military base of the United States of America on the island of Okinawa. It recommended that Japan reconsider its position on recognizing the Ryukyu as Indigenous Peoples and step up measures to protect their rights, ensuring proper prosecution and conviction of perpetrators of violence against them.⁸⁸ The Human Rights Committee asked about measures taken to: revise relevant legislation and fully guarantee the rights of the Ainu, Ryukyu and Okinawa communities to their traditional land and natural resources; ensure their participation in policies that affect them; and facilitate education for their children in their own language.⁸⁹

61. The Committee on the Elimination of Racial Discrimination was concerned that Koreans who had lived for multiple generations in Japan remained foreign nationals. It recommended ensuring that those Koreans were allowed to vote in local elections and serve as national public servants.⁹⁰ The Human Rights Committee also asked whether there were plans to recognize them as a national or ethnic minority, and about measures preventing discrimination based on nationality. It requested commenting on the de facto exclusion of certain very old and Korean residents with disabilities from benefits under the National Pension Law.⁹¹

62. The Committee on the Elimination of Racial Discrimination expressed concern that discrimination continued against Burakumin. It recommended adopting a clear definition of Burakumin; eliminating discrimination in employment, housing and marriage; and ensuring that family data were kept confidential, that cases related to the abuse of family registration data were investigated and prosecuted, and that the perpetrators were sanctioned.⁹²

63. In a follow-up letter, the Committee on the Elimination of Discrimination against Women urged Japan to eliminate discriminatory gender stereotypes and prejudices. It recommended adopting legislation to prohibit and sanction sexist speech and propaganda, and providing information on further actions taken to adopt legislation that prohibited and sanctioned sexist speech and propaganda advocating racial superiority or hatred, including attacks on ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women and migrant women.⁹³

64. The Committee on the Elimination of Racial Discrimination remained concerned about reports of intersecting forms of discrimination and violence against foreign, Indigenous and minority women. It recommended that Japan ensure dedicated attention to women suffering from intersecting forms of discrimination; take immediate measures to prevent violence against them; and amend its legislation to ensure that it did not have the effect of forcing foreign women to remain in abusive relationships for fear that they would lose their residency status or be deported.⁹⁴

5. Lesbian, gay, bisexual, transgender and intersex persons

65. UNESCO noted that the school curriculum still did not address the topics related to sexual orientation, gender identity and gender expression. It noted that lack of awareness and sensibilization through curricula can enhance stereotypes and discrimination against lesbian, gay, bisexual, transgender and intersex students in everyday school life.⁹⁵

66. The Human Rights Committee asked Japan to report on progress made in combating homophobic and transphobic discourse by politicians and discrimination and stigma against lesbian, gay, bisexual, transgender and intersex persons, particularly in their access to employment, education, health care, welfare and legal services, including through the education system. It also requested Japan to: report on measures to address the higher-than-average suicide rate among those individuals; clarify whether steps had been taken towards official recognition of same-sex unions; and address reports that transgender prisoners had been mistreated in detention facilities.⁹⁶

6. Migrants, refugees and asylum-seekers

67. The Committee on the Elimination of Racial Discrimination was concerned about continued reports that migrants and their descendants who had been born, raised and educated in Japan still faced entrenched societal discrimination. It recommended addressing the root causes of societal discrimination against migrants, and taking measures to ensure their equal access to housing, education, health care and employment opportunities, without discrimination.⁹⁷

68. The same Committee was concerned that there was insufficient government oversight and a lack of information on the implementation and impact of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees. It recommended that Japan ensure: that the programme was properly regulated to ensure compliance with the Act, and that it was monitored by the Government.⁹⁸

69. The same Committee was concerned about non-citizens and foreign nationals and individuals with a foreign appearance being denied various rights and services. It recommended ensuring their access to housing and employment without discrimination; and creating and enforcing legislation against the posting of discriminatory signs and the practice of excluding public services by privately owned facilities.⁹⁹

70. The same Committee was concerned by the very low acceptance rate of asylum applications (19 out of 11,000 applications) and by the detention of asylum-seekers for indeterminate periods, without establishing fixed time limits for their detention. It recommended that Japan ensure that all applications for asylum status received due consideration. It also recommended introducing a maximum period for immigration detention; using detention of asylum-seekers as a measure of last resort only and for the shortest possible period of time; and prioritizing alternative measures.¹⁰⁰ UNHCR made similar recommendations, including establishing mandatory and independent detention reviews that included judicial safeguards.¹⁰¹

71. The Committee on the Rights of the Child recommended that Japan establish a legal framework to prevent asylum-seeking parents being detained and separated from their children; prevent the detention of unaccompanied or separated asylum-seeking or migrant children, ensure their immediate release and provide them with shelter, appropriate care and access to education; and develop campaigns to counter hate speech against asylum-seekers and refugees, particularly children.¹⁰²

72. UNHCR was seriously concerned about the lifting of the automatic suspensive effect of refugee status determination applications on deportation for certain cases, as proposed by a bill to amend the Immigration Control and Refugee Recognition Act. It recommended that, if the bill were to be resubmitted, and if exceptions to the suspension of deportations were still to be made, they should be limited to truly exceptional cases, and allow for appeals against decisions to lift suspension of deportations. It also recommended adopting a comprehensive asylum law; establishing a dedicated agency independent of immigration authorities; and ensuring non-refoulement.¹⁰³

7. Internally displaced persons

73. Some special procedure mandate holders reported that more than 40,000 Fukushima citizens remained evacuees and were unrecognized as internally displaced persons. As a consequence, the required financial, housing, medical and other support was not made available to them. Many evacuees continued to feel they were being forced to return to areas that were unsafe.¹⁰⁴ The Special Rapporteur on the human rights of internally displaced

persons has urged Japan to provide evacuees who were still displaced 11 years after the Fukushima nuclear disaster with unqualified human rights and needs-based support, including regarding housing, health, livelihood, participation and education for children.¹⁰⁵

8. Stateless persons

74. UNHCR recommended that Japan take measures to avoid arbitrary deprivation of nationality, particularly by ensuring procedural safeguards, including in relation to the possible submission of the bill to amend the Nationality Act to enable nullification of nationality. It also recommended developing a statelessness determination procedure.¹⁰⁶ It also noted that both stateless persons and individuals with undetermined nationality without legal status could theoretically be detained for an indefinite period, as statelessness was not an established criterion for regularizing legal stay or granting provisional release from immigration detention facilities, and such individuals did not have access to employment and social welfare benefits, including national health insurance.¹⁰⁷

75. The Committee on the Elimination of Discrimination against Women asked about the measures Japan intended to take to ensure legal recourse to women regarding the transmission of nationality to children born out of wedlock and on measures to safeguard the attainment of nationality for women and girls where the prohibition on dual nationality and conflicting nationality laws could render them stateless.¹⁰⁸ The Committee on the Rights of the Child recommended granting nationality at birth automatically to children who could not acquire the nationality of their parents, and reviewing other nationality and citizenship laws to ensure that all children were protected from de jure statelessness.¹⁰⁹

Notes

- 1 [A/HRC/37/15](#), [A/HRC/37/15/Add.1](#) and [A/HRC/37/2](#).
- 2 [CERD/C/JPN/CO/10-11](#), para. 39; [CCPR/C/JPN/QPR/7](#), paras. 11–12; [CRC/C/JPN/CO/4-5](#), paras. 48–49; and [CRPD/C/JPN/CO/1](#), para. 12.
- 3 [CERD/C/JPN/CO/10-11](#), para. 39. See also the State response, [CERD/C/JPN/CO/10-11/Add.1](#).
- 4 UNHCR submission for the universal periodic review of Japan, p. 3; [CERD/C/JPN/CO/10-11](#), paras. 33–34; and [CRC/C/JPN/CO/4-5](#), para. 23.
- 5 [CRC/C/JPN/CO/4-5](#), paras. 27 and 30.
- 6 UNESCO submission for the universal periodic review of Japan, pp. 9–10.
- 7 [CRC/C/JPN/CO/4-5](#), para. 6.
- 8 [CERD/C/JPN/CO/10-11](#), paras. 11–12.
- 9 [CRPD/C/JPN/CO/1](#), para. 12.
- 10 [CERD/C/JPN/CO/10-11](#), paras. 5–6.
- 11 [CED/C/JPN/CO/1](#), para. 10.
- 12 [CERD/C/JPN/CO/10-11](#), paras. 43–44.
- 13 *Ibid.*, paras. 45–46 and 49.
- 14 UNESCO, p. 9.
- 15 See <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>.
- 16 OHCHR, “Funding” in *OHCHR Report 2012*, p. 117; *OHCHR Report 2014*, p. 63; *OHCHR Report 2015*, p. 61; *OHCHR Report 2016*, p. 79; and OHCHR, *United Nations Human Rights Report 2017*, p. 79. See also <https://www.ohchr.org/en/about-us/funding-and-budget/our-donors>.
- 17 [CERD/C/JPN/CO/10-11](#), paras. 9–10; [CRC/C/JPN/CO/4-5](#), paras. 9 and 52; [CCPR/C/JPN/QPR/7](#), para. 4; and [CEDAW/C/JPN/QPR/9](#), paras. 2 and 5. See also the State response, [CERD/C/JPN/CO/10-11/Add.1](#).
- 18 [CEDAW/C/JPN/QPR/9](#), paras. 2 and 5.
- 19 [CRC/C/JPN/CO/4-5](#), paras. 9, 12 and 52.
- 20 [CCPR/C/JPN/QPR/7](#), para. 3.
- 21 [CERD/C/JPN/CO/10-11](#), paras. 7–8 and 13–14.
- 22 [CRC/C/JPN/CO/4-5](#), paras. 17–18.
- 23 [CCPR/C/JPN/QPR/7](#), para. 5.
- 24 [CRC/C/JPN/CO/4-5](#), paras. 7–8 and 13.
- 25 [CERD/C/JPN/CO/10-11](#), paras. 13–14.
- 26 [CCPR/C/JPN/QPR/7](#), para. 6.
- 27 [CERD/C/JPN/CO/10-11](#), paras. 21–22. See also [CERD/C/JPN/CO/7-9](#), para. 19.
- 28 [CERD/C/JPN/CO/10-11](#), para. 40.
- 29 [CCPR/C/JPN/QPR/7](#), paras. 11–12.

- ³⁰ Ibid., para. 9.
- ³¹ CED/C/JPN/CO/1, paras. 8, 12, 14 and 19. See also the State response, CED/C/JPN/FCO/1, para. 4.
- ³² CED/C/JPN/CO/1, paras. 31–32. See also the State response, CED/C/JPN/FCO/1, paras. 7–24.
- ³³ CED/C/JPN/CO/1, para. 33. See also the State response, CED/C/JPN/FCO/1, para. 24.
- ³⁴ UNESCO submission, p. 9.
- ³⁵ CERD/C/JPN/CO/10-11, paras. 23–24.
- ³⁶ CCPR/C/JPN/QPR/7, para. 22.
- ³⁷ CERD/C/JPN/CO/10-11, paras. 27–28.
- ³⁸ CEDAW/C/JPN/QPR/9, para. 13.
- ³⁹ CERD/C/JPN/CO/10-11, paras. 37–38.
- ⁴⁰ CRC/C/JPN/CO/4-5, para. 43.
- ⁴¹ CEDAW/C/JPN/QPR/9, para. 12.
- ⁴² See https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:4049871,en.
- ⁴³ See https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4049868.
- ⁴⁴ See <https://www.ohchr.org/en/press-releases/2018/08/japan-fukushima-clean-workers-including-homeless-grave-risk-exploitation-say>.
- ⁴⁵ See <https://www.ohchr.org/en/press-releases/2018/05/japan-benefit-cuts-threaten-social-protection-poor-un-rights-experts-warn>.
- ⁴⁶ CEDAW/C/JPN/QPR/9, para. 22. See also CEDAW/C/JPN/CO/7-8.
- ⁴⁷ A/HRC/44/46/Add.1, paras. 36 and 64; and see <https://www.ohchr.org/en/press-releases/2020/02/japan-efforts-protect-rights-persons-affected-leprosy-must-continue-un>. See also <https://www.ohchr.org/en/statements/2020/02/united-nations-special-rapporteur-elimination-discrimination-against-persons>.
- ⁴⁸ CEDAW/C/JPN/QPR/9, para. 20.
- ⁴⁹ See <https://www.ohchr.org/en/press-releases/2018/10/japan-must-halt-returns-fukushima-radiation-remains-concern-says-un-rights>.
- ⁵⁰ CEDAW/C/JPN/QPR/9, para. 21. See also <https://www.ohchr.org/en/press-releases/2018/08/japan-fukushima-clean-workers-including-homeless-grave-risk-exploitation-say>.
- ⁵¹ UNESCO submission, pp. 6, 8–9.
- ⁵² Ibid.
- ⁵³ CEDAW/C/JPN/QPR/9, para. 17.
- ⁵⁴ CERD/C/JPN/CO/10-11, paras. 21–22. See also CERD/C/JPN/CO/7-9, para. 19.
- ⁵⁵ CCPR/C/JPN/QPR/7, para. 30.
- ⁵⁶ CEDAW/C/JPN/QPR/9, para. 17.
- ⁵⁷ CRC/C/JPN/CO/4-5, para. 39. See also CRC/C/JPN/CO/3, paras. 71, 73 and 75–76.
- ⁵⁸ CEDAW/C/JPN/QPR/9, para. 16.
- ⁵⁹ CRPD/C/JPN/CO/1, paras. 51–52.
- ⁶⁰ UNESCO submission, p. 10.
- ⁶¹ CRC/C/JPN/CO/4-5, para. 5.
- ⁶² Ibid., para. 15.
- ⁶³ CEDAW/C/JPN/QPR/9, para. 24.
- ⁶⁴ See <https://www.ohchr.org/en/press-releases/2020/06/fukushima-japan-must-not-ignore-human-rights-obligations-nuclear-waste>.
- ⁶⁵ See <https://www.ohchr.org/en/press-releases/2021/03/japan-must-step-efforts-solve-human-rights-fallout-fukushima-disaster-un>.
- ⁶⁶ See <https://www.ohchr.org/en/press-releases/2021/04/japan-un-experts-say-deeply-disappointed-decision-discharge-fukushima-water>.
- ⁶⁷ CEDAW/C/JPN/QPR/9, para. 2.
- ⁶⁸ Ibid., para. 9.
- ⁶⁹ CCPR/C/JPN/QPR/7, para. 10. See also CEDAW/C/JPN/CO/7-8, para. 23.
- ⁷⁰ CEDAW/C/JPN/QPR/9, para. 14.
- ⁷¹ OHCHR, follow-up letter of the rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women, 17 December 2018. Available at <https://www.mofa.go.jp/mofaj/files/100156151.pdf>.
- ⁷² CRC/C/JPN/CO/4-5, paras. 7–8 and 17–19.
- ⁷³ Ibid., paras. 24 and 29.
- ⁷⁴ Ibid., para. 25.
- ⁷⁵ Ibid., para. 26; and CRPD/C/JPN/CO/1, paras. 17–18.
- ⁷⁶ CEDAW/C/JPN/QPR/9, para. 11.

- 77 [CRC/C/JPN/CO/4-5](#), para. 20. See also [CRC/C/JPN/CO/3](#), para. 42.
- 78 [CRC/C/JPN/CO/4-5](#), paras. 10–11.
- 79 *Ibid.*, para. 30.
- 80 *Ibid.*, paras. 44–45.
- 81 *Ibid.*, para. 46.
- 82 [CRPD/C/JPN/CO/1](#), paras. 7–8 and 13–14. See also [CRPD/C/JPN/Q/1](#), para. 1.
- 83 [CRC/C/JPN/CO/4-5](#), para. 32. See also [CRC/C/JPN/CO/3](#), para. 59.
- 84 [CRPD/C/JPN/CO/1](#), paras. 10 and 15–16.
- 85 [CEDAW/C/JPN/QPR/9](#), para. 17. See also [CRPD/C/JPN/CO/1](#), paras. 51–52.
- 86 [CRPD/C/JPN/CO/1](#), para. 34.
- 87 [CERD/C/JPN/CO/10-11](#), paras. 15–16. See also the State response, [CERD/C/JPN/CO/10-11/Add.1](#).
- 88 [CERD/C/JPN/CO/10-11](#), paras. 17–18. See also [CERD/C/JPN/CO/7-9](#), para. 21.
- 89 [CCPR/C/JPN/QPR/7](#), para. 29.
- 90 [CERD/C/JPN/CO/10-11](#), paras. 21–22. See also [CERD/C/JPN/CO/7-9](#), para. 19.
- 91 [CCPR/C/JPN/QPR/7](#), para. 30.
- 92 [CERD/C/JPN/CO/10-11](#), paras. 19–20.
- 93 OHCHR, follow-up letter of the rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women, 17 December 2018. Available at <https://www.mofa.go.jp/mofaj/files/100156151.pdf>.
- 94 [CERD/C/JPN/CO/10-11](#), paras. 25–26. See also the State response, [CERD/C/JPN/CO/10-11/Add.1](#).
- 95 UNESCO submission, p. 7; and [A/HRC/37/15](#), para. 161.85.
- 96 [CCPR/C/JPN/QPR/7](#), para. 7.
- 97 [CERD/C/JPN/CO/10-11](#), paras. 29–30.
- 98 *Ibid.*, paras. 31–32. See also the State response, [CERD/C/JPN/CO/10-11/Add.1](#).
- 99 [CERD/C/JPN/CO/10-11](#), paras. 33–34.
- 100 *Ibid.*, paras. 35–36. See also the State response, [CERD/C/JPN/CO/10-11/Add.1](#), and [CERD/C/JPN/CO/7-9](#), para. 23.
- 101 UNHCR submission, p. 4.
- 102 [CRC/C/JPN/CO/4-5](#), para. 42.
- 103 UNHCR submission, pp. 5–6.
- 104 See <https://www.ohchr.org/en/press-releases/2021/03/japan-must-step-efforts-solve-human-rights-fallout-fukushima-disaster-un>.
- 105 See <https://www.ohchr.org/en/press-releases/2022/10/japan-support-those-displaced-fukushima-nuclear-disaster-must-be>; and <https://www.ohchr.org/en/press-releases/2022/09/japan-un-expert-assess-fukushima-evacuees-plight-during-official-visit>.
- 106 UNHCR submission, p. 3.
- 107 *Ibid.*, p. 2.
- 108 [CEDAW/C/JPN/QPR/9](#), para. 15.
- 109 [CRC/C/JPN/CO/4-5](#), para. 23.