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Report of the Working Group on the Universal Periodic Review*

Japan

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

Japan has carefully reviewed the 174 recommendations received during its UPR on 31 October 2012 and is pleased to provide the following responses. Japan will continue to follow up the recommendations which Japan has accepted to follow up, including recommendations for which Japan has been already working.

147.1. Partially accept to follow up

(a) Japan will consider concluding the human rights treaties mentioned in the recommendations except for the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

(b) Regarding the Second Optional Protocol to the ICCPR, Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Universal Periodic Review (A/HRC/22/14) (para.15).

(c) Japan's position on the reservations is as follows:

(i) Regarding withdrawal of the reservation to Article 7 (d) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), in Japan, there is no social consensus for remuneration for national holidays. Therefore, it is appropriate to leave this matter to agreements between labour and management;

(ii) Article 8 of the ICESCR provides for basic labour rights, and Article 8.1(d) prescribes the right to strike. On the other hand, Article 8.2 provides this article shall not prevent the imposition of lawful restrictions on the exercise of these rights. The scope of "members of the administration of the State", which this restriction might be imposed on, is not necessarily consistent with the relevant provisions of Japanese laws and regulations. Japan thus reserves the right not to be bound by Article 8.1(d), except in relation to the sectors in which the right referred to in the said provision is accorded in accordance with the laws and regulations of Japan at the time of ratification of the ICESCR by the Government of Japan;

(iii) Regarding withdrawal of the reservation to Article 4 (a) (b) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Government of Japan does not believe that, in present-day Japan, racist thoughts are disseminated and racial discrimination is incited, to the extent that the withdrawal of its reservations or legislation to impose punishment against dissemination of racist thoughts and other acts should be considered even at the risk of unduly stifling legitimate speech;

(iv) Regarding withdrawal of the reservation to Article 37 (c) of the Convention on the Rights of the Child, the Juvenile Act of Japan defines a "juvenile" as a person under the age of twenty and, with regard to persons deprived of liberty, those who are under twenty years of age (so-called "juveniles") to be separate from those who are of twenty years of age and over (so-called "adults"). While the Convention treats a person under 18 years of age as a "child" and provides thorough protection for him/her, the Japanese system expands such protection more broadly to include persons below 20 years of age, which meets the intent and objective of paragraph (c) of Article 37 of said Convention purporting to protect youth such as "children" from harmful influences, by separating them from adults.

147.2. Partially accept to follow up

See 147.1. (a) and (b).

147.3. Partially accept to follow up

See 147.1. (a) and (b).

147.4. Accept to follow up

See 147.1. (a).

147.5. Accept to follow up

147.6. Not accept

See 147.1. (b).

147.7. Not accept

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (paras.15 and 67).

147.8. Partially accept to follow up

See 147.1. (a) and (b).

147.9. Accept to follow up

147.10. Accept to follow up

See 147.1. (a).

147.11. Accept to follow up

See 147.1. (a).

147.12. Accept to follow up

147.13. Accept to follow up

See 147.1. (a).

147.14.

See 147.1. (c) (iv).

147.15. Accept to follow up

147.16. Accept to follow up

See 147.1. (a).

147.17. Accept to follow up

See 147.1. (a).

147.18. Accept to follow up

See 147.1. (a).

147.19. Accept to follow up

147.20. Partially accept to follow up

See 147.1. (a) and (b).

147.21. Accept to follow up

147.22. Accept to follow up

See 147.1 (a).

147.23. Accept to follow up

147.24. Accept to follow up

147.25. Accept to follow up

147.26. Accept to follow up

147.27. Accept to follow up

147.28. Accept to follow up

147.29.

The Government of Japan is making the necessary preparations to conclude the Convention at the earliest date possible.

147.30. Accept to follow up

147.31. Accept to follow up

147.32. Accept to follow up

Japan has already concluded the ICESCR and the rights stipulated by the ICESCR are guaranteed under the existing legal framework of Japan.

147.33. Accept to follow up

Article 98, paragraph 2 of the Constitution of Japan provides that “[t]he treaties concluded by Japan and established laws of nations shall be faithfully observed.” As a matter of course, the Government of Japan enacts domestic laws and implements policies on the premise of compliance with its obligations under the treaties.

147.34. Accept to follow up

147.35. Partially accept to follow up

(a) In the case of Japan, Article 14, Paragraph 1 of the Constitution stipulates that all people are equal under the law and there shall be no discrimination because of race.

(b) It is obvious from the provision "by all appropriate means" in Article 2.1 of the ICERD, legislative measures are required, where appropriate and necessary. We do not recognize that the present situation of Japan is one in which discriminative acts cannot be effectively restrained by the existing legal system and in which explicit racial discriminative acts, which cannot be restrained by measures other than legislation, are conducted. Therefore, penalization of these acts is not considered necessary.

147.36. Accept to follow up

See 147.33.

147.37. Partially accept to follow up

See 147.35.

147.38. Accept to follow up

147.39. Accept to follow up

See 147.33.

147.40.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.24).

147.41. Accept to follow up

147.42. Accept to follow up

147.43. Accept to follow up

147.44.

(a) Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.31).

(b) Regarding communication between a suspect and his/her defense counsel, the right to confidential communication is guaranteed and the scope of cases in which a suspect may hire defense counsel at Government expense has been expanded to cover cases in which the punishment is the death penalty, imprisonment with work or without work for life or imprisonment with work or without work for a term exceeding three years. Communication between a suspect and his/her defense counsel is guaranteed in a more enhanced manner than before.

147.45. Accept to follow up

Japan enacted the "Act on Cooperation with the International Criminal Court" in 2007 which assures full obligation stipulated by the Rome Statute of the International Criminal Court in the domestic arena.

147.46. Accept to follow up

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.143).

147.47. Accept to follow up

147.48. Accept to follow up

147.49. Accept to follow up

147.50. Accept to follow up

147.51. Accept to follow up

147.52.

The bill to establish a Human Rights Commission and the bill to partially amend the Human Rights Volunteers Act were scrapped because of the dissolution of the House of the Representatives on 16 November 2012. In the event of any progress, Japan will update the Human Rights Council accordingly.

147.53. Accept to follow up

147.54. Accept to follow up

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147.81. Accept to follow up

147.82. Accept to follow up

147.83. Accept to follow up

147.84. Accept to follow up

147.85.

See 147.40.

147.86. Accept to follow up

Japan has not yet concluded the Convention on the Rights of Persons with Disabilities (CRPD); however, Japan will continue to implement the CRPD effectively after its conclusion.

147.87. Accept to follow up

147.88. Accept to follow up

147.89. Accept to follow up

147.90.

(a) See 147.40.

(b) The Act on Special Provisions for Handling People with Gender Identity Disorders came into force in 2004 for the purpose of alleviating the social disadvantages of people with gender identity disorders.

147.91.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.137).

147.92. Accept to follow up

147.93. Not accept

The majority of the Japanese people consider the death penalty to be unavoidable in the case of extremely heinous crimes and therefore the Japanese government currently does not have any plans to establish a forum to discuss the death penalty system.

147.94. Not accept

See 147.7.

147.95. Not accept

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (paras.67 and 68).

147.96.

Under Japan's legal system, the death penalty cannot be imposed on persons who were less than 18 years of age at the time of the commission of the crime, nor persons who were insane or of diminished capacity at the time of the commission of the crime.

147.97. Not accept

See 147.1. (b).

147.98. Not accept

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.67).

147.99. Not accept

See 147.93.

147.100. Not accept

See 147.98.

147.101. Not accept

See 147.98.

147.102. Not accept

See 147.93.

147.103. Not accept

See 147.93.

147.104. Not accept

See 147.98.

147.105. Not accept

See 147.7.

147.106. Not accept

See 147.98.

147.107. Not accept

See 147.98.

147.108. Not accept

See 147.98.

147.109. Not accept

See 147.98.

147.110. Not accept

See 147.98.

147.111. Not accept

See 147.98.

147.112. Not accept

See 147.7.

147.113. Not accept

See 147.93.

147.114. Accept to follow up

147.115. Accept to follow up

147.116.

The detention of a suspect in Japan is decided after strict judicial review.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.14 and 104) and given the current circumstances, Japan considers that the abolition or reform of the system is unnecessary.

147.117.

See 147.116.

147.118.

Japan's position is stated in part 4.1. (2) of the National Report (A/HRC/WG.6/14/JPN/1), the interactive dialogue as recorded in the Draft Report of the UPR (para.13) and 147.44. and 147.116. in this Addendum.

147.119.

See 147.44. and 147.116.

147.120.

See 147.116.

147.121.

Communication with the outside for inmates including persons sentenced to death is stipulated in detail in national law, and Japan will continue its efforts for its appropriate implementation.

147.122.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (paras.100 and 101).

147.123.

(a) Japan's death penalty system respects and ensures the human rights that are recognized in the treaties to which Japan is a State Party.

(b) Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (paras.32 and 69).

147.124.

See 147.123.

147.125.

See 147.123.

147.126. Accept to follow up

147.127. Accept to follow up

147.128. Accept to follow up

147.129. Accept to follow up

147.130. Accept to follow up

147.131. Accept to follow up

147.132. Accept to follow up

Japan has extended a standing invitation to the Special Procedures of the Human Rights Council.

147.133. Accept to follow up

147.134. Accept to follow up

147.135. Accept to follow up

147.136. Accept to follow up

147.137. Accept to follow up

147.138. Accept to follow up

147.139. Accept to follow up

147.140. Accept to follow up

147.141. Accept to follow up

147.142. Accept to follow up

147.143.

A defendant against whom the judgement of guilty is rendered has a right to appeal and the death penalty will not be executed until the judgement is finalized.

147.144.

(a) Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.99).

(b) An inmate sentenced to death is notified of his/her execution on the day it is due to take place. We are concerned he/she could become emotionally unstable and suffer serious emotional distress if he/she were notified in advance of the date. For this reason, we believe that the current practice is inevitable.

147.145. Not accept

The Government of Japan acknowledges that during a certain period in the past, Japan caused tremendous damage and suffering to the people of many countries, particularly to those in Asian nations. The Government of Japan, squarely facing these historical facts, has expressed its feelings of deep remorse and heartfelt apology, and has also expressed feelings of sincere mourning for all World War II victims, both at home and abroad.

The Government of Japan is also deeply pained when thinking of the comfort women who experienced immeasurable pain and suffering.

The position of the Government of Japan regarding the comfort women issue is that it should not be politicized or be turned into a diplomatic issue.

With a view to offering realistic relief to former comfort women who are now advanced in years, the Government of Japan decided in 1995 to address the matter through the Asian Women's Fund (AWF) established in cooperation between the Japanese people and the Japanese Government. The Government thereafter has continued to extend maximum cooperation to the AWF in implementing medical and welfare support projects and providing atonement money for the former comfort women. The Government of Japan will continue to make maximal efforts and to implement follow-up activities of the AWF.

The issue of reparations, property and claims concerning the Second World War has been legally settled with the countries that are parties to the San Francisco Peace Treaty, bilateral treaties, agreements and instruments.

147.146. Not accept

See 147.145.

147.147. Not accept

See 147.145.

147.148. Not accept

See 147.145.

147.149. Accept to follow up**147.150. Accept to follow up****147.151. Accept to follow up**

147.152. Accept to follow up

147.153. Accept to follow up

147.154. Accept to follow up

147.155. Accept to follow up

(a) The Government of Japan has supported Fukushima Prefecture financially and technically, for instance, made a financial contribution (JPY 78.2 billion) to the “Health Fund for Children and Adults Affected by the Nuclear Accident” established by the Prefecture in order to enable mid- and long-range health-care for the residents, especially for children. The Government will continue to manage the health of the residents appropriately, based on scientific rationality and morality.

(b) Japan supported a Country Visit by the Special Rapporteur on the Right to Health and he had meetings with affected and evacuated people and civil society groups.

147.156. Accept to follow up

147.157. Partially accept to follow up

In regard to non-repayment-type scholarships, securing funding is a problem, and careful and deliberate consideration will thus be required for this issue.

147.158.

(a) Japan’s position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.62).

(b) Our official Courses of Study, which sets standards for educational courses, stipulates “to foster an ability and attitude to consider from a multilateral and multifaceted perspective and judge fairly historical events by using of a wide range of materials and express them appropriately” Each school offers instruction based on this stipulation in order to enable students to consider historical events from various perspectives and judge them fairly rather than to apprehend them from a one-sided perspective.

147.159.

See 147.158.

147.160. Accept to follow up

147.161. Accept to follow up

147.162. Accept to follow up

147.163. Accept to follow up

147.164. Accept to follow up

147.165. Accept to follow up

147.166. Accept to follow up

147.167. Accept to follow up

The restrictions on the entry of foreign nationals being a matter of national sovereignty, the Immigration Bureau conducts deliberations in conjunction with measures being taken in other administrative areas in order to develop an environment for the acceptance of foreign nationals, with due consideration paid to the impacts to be had on such aspect as Japanese industry and the lives of the people as well as public safety.

147.168. Accept to follow up

Japan recognizes that the right to development belongs to individuals.

147.169. Accept to follow up

Japan will follow up the recommendations which Japan accepted to follow up, including the recommendations for which Japan has been already working.

147.170. Accept to follow up

Japan makes a point of ensuring that diplomatic policy be reflected in budget use. This policy applies also to voluntary contributions to the OHCHR.

147.171. Accept to follow up

147.172. Accept to follow up

147.173. Accept to follow up

147.174. Accept to follow up
