

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

IMADR Oral Statement: 22nd Session of the Human Rights Council

Item 6: Consideration of UPR reports: Japan

14 March 2013

Thank you Mr. President,

IMADR welcomes acceptance of a number of recommendations by Japan. However, we are also confused and concerned by the wording "*accept to follow up*", considering that many of the recommendations can be or need to be IMPLEMENTED immediately. It is also quite disappointing to notice that many of the recommendations from the 1st cycle were not yet implemented at all or remain nominal without tangible changes or practical impact in the society. We regret that no substantial progress was made towards the establishment of independent National Human Rights Institution in full accordance with the Paris Principles.

While noting that the government of Japan has been arguing that the Article 14 of the Constitution ensuring equality under the law is enough to address any discrimination issues, we regret that the government has been failing to grasp the complex nature and various forms of the issue of discrimination as well as the needs of the victims on the ground. The fact that various incidents of discrimination, hate speech, discriminatory practice are happening in the society clearly shows the necessity for specific Anti-Discrimination Law clearly defining and comprehensively addressing all forms of direct and indirect discrimination including those based on race, colour, work, descent, ethnic or national origin, gender, sexual orientation and gender identity, disability, age, religion and so on. Discrimination of any kind must be explicitly prohibited and prevented, and remedies for victims ensured through domestic legislation. Furthermore, we are deeply concerned over the cases of incitement to hatred and hostility towards minority groups, such as resident Koreans, Chinese, and sexual minorities, that are repeatedly occurring without any intervention from State actors, or even conducted by public figures. In this context, we express our disappointment that the government of Japan is rejecting the withdrawal of its reservation to ICERD Article 4.

Noting that Japan is party to major international human rights treaties, we express our concern that those international standards are rarely applied in domestic courts, nor realised in practice through any other measures. A lot of the recommendations by Treaty Bodies were not implemented at all. Often, those standards and recommendations seem to be ignored by the government. We also regret that Japan has not yet recognised the competence of some Treaty Bodies to receive and examine individual complaints. Furthermore, we are deeply concerned about protection of human rights of detainees and suspects in the criminal justice system, especially in the interrogation process and forced confession. In this context, we also appeal for retrial of Sayama case based on the disclosure of all evidences.

We urge the government of Japan to seriously consider its obligation under international HR laws, take commitments made during the UPR, and give genuine efforts and take concrete actions to fully and timely implement the recommendations accepted. We also request the government of Japan to actively engage and cooperate with its civil society in this regard.

Thank you Mr. President.

IMADR is an NGO in consultative status (Special) with the Economic and Social Council of the United Nations