



The Government of Japan

Human Rights Council: 16th Session

Universal Periodic Review

Mid-term progress report by Japan

on its implementation of recommendations made in May 2008

March 2011

| <p style="text-align: center;">UPR Recommendations</p> <p style="text-align: center;">The following are recommendations which Japan accepted for follow-up:</p> | <p style="text-align: center;">Japan's follow-up</p> |
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| <p>1 Japan will consider concluding the human rights treaties listed as follows:</p> <ul style="list-style-type: none"> - the First Optional Protocol to the International Covenant on Civil and Political Rights - the Optional Protocol to the Convention against Torture - the Optional Protocol to the Convention on the Elimination of Discrimination against Women - the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - the Convention on the Rights of Persons with Disabilities - the International Convention on the Protection of All Persons from Enforced Disappearance - the Hague Convention on Civil Aspects of International Child Abduction, 1980 (subparagraph 1) | <p>Japan concluded the International Convention for the Protection of All Persons from Enforced Disappearance in July 2009.</p> <p>With regard to the Convention on the Rights of Persons with Disabilities, which Japan signed in September 2007, a Headquarters to Promote Reform of the System for Persons with Disabilities was established in December 2009 in order to promote measures for persons with disabilities. There have been active discussions among members of the Headquarters, including persons with disabilities. Based on such discussions, Japan continues to seek the early conclusion of the Convention.</p> <p>With regard to the individual communications procedure stipulated in the First Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and others, the Government of Japan established a Division for Implementation of Human Rights Treaties in the Ministry of Foreign Affairs in April 2010, thereby giving serious consideration as to whether or not to accept the procedure. Specifically, consideration is given to such aspects as whether there are any problems in relation to Japan's justice system and legislative policy, and a system to be established for the implementation of the individual communications procedure when Japan accepts the procedure.</p> <p>With the best interest of children in mind, the government aims to reach a decision as early as possible on the possibility of concluding the Convention on the Civil Aspects of International Child Abduction. To this end, relevant ministries and agencies are working closely and are also taking into account a broad range of views.</p> <p>Japan acknowledges the principle itself of the Convention on the Rights of Migrant Workers and Members of Their Families, which is to</p> |

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| | <p>seek to protect the rights of migrant workers and members of their families. On the other hand, however, it is also Japan's recognition that Japan must give consideration to the Convention with sufficient attention to the possible impact that the Convention may have on matters such as the principle of equality, and systems in Japan, given, <i>inter alia</i>, that the content of the Convention is such that it guarantees migrant workers stronger rights than the rights guaranteed to other individuals.</p> |
| <p>2 Implement the calls by, <i>inter alia</i>, the Human Rights Committee and the Committee on the Rights of the Child to establish a human rights institution in accordance with the Paris Principles as soon as possible</p> <p>Finalize the legislation needed to establish a national human rights institution in accordance with the Paris Principles (subparagraph 2)</p> | <p>The Government submitted a Human Rights Protection Bill to the Diet in March 2002 in order to, among other purposes, establish a new human rights institution. The Bill did not pass, however, because of the dissolution of the House of Representatives in October 2003. There have been arguments concerning various issues such as the scope of human rights infringements eligible for remedy, the measures to guarantee the independence of the human rights institution, and the details of the authority to investigate infringements. At present, therefore, the bill on a new human rights institution has not yet been re-submitted to the Diet.</p> <p>Japan will continue to work on studies toward the establishment of a national human rights institution in accordance with the Paris Principles in order to realize a more effective remedy for the victims of human rights infringements.</p> |
| <p>3 Set up an independent mechanism for investigating complaints of violations of human rights (subparagraph 3)</p> | <p>Same as above.</p> |
| <p>4 Issue a standing invitation to the Special Procedures of the Human Rights Council (subparagraph 4)</p> | <p>Japan hereby extended a standing invitation to the Special Procedures of the Human Rights Council.</p> <p>Japan has accepted the Special Procedures thus far after coordinating matters such as schedules for visits to Japan and programs in advance. In 2010, Japan accepted visits by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), the Special Rapporteur on the rights of</p> |

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| | migrants, and the Independent Expert on the issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation. |
| <p>5 Repeal all legal provisions that discriminate against women</p> <p>Encourage the continued taking of measures relating to discrimination against women in particular to raise the age of marriage to 18 for women as for men (subparagraph 7)</p> | <p>The Cabinet approved a Third Basic Plan for Gender Equality in December 2010 and, based on the Basic Plan, it intends to advance efforts to realize a gender-equal society.</p> <p>The Basic Plan states with regard to the development of legislation on family that "the Government of Japan will continue to consider revision of the Civil Code for matters such as a universal marriageable age between men and women and the introduction of a system for allowing married couples to choose to continue to use their respective surnames against the backdrop of the diversification of modalities of husbands and wives and families, taking account the concluding observations of the Committee on the Elimination of Discrimination against Women."</p> |
| <p>6 Address the problems faced by women belonging to minorities (subparagraph 8)</p> | <p>The Cabinet approved the Third Basic Plan for Gender Equality in December 2010 and, based on the Basic Plan, it intends to advance efforts to realize a gender-equal society.</p> <p>The Basic Plan states that "in such cases where women are put in an even more difficult situation because of their gender and where people, regardless of sex, are put in a difficult situation because of their sexual orientation... necessary efforts will be made from the perspective of ensuring gender equality... while carrying out education and awareness activities on human rights and providing remedies to victims of human rights violations." The Plan also states that "standing human rights counseling offices in Legal Affairs Bureaus and District Legal Affairs Bureaus will make active efforts to answer inquiries regarding human rights and enhance a user-friendly counseling system, in order to resolve human rights issues related to those people such as persons with disabilities, foreigners and the Ainu people and Dowa issues."</p> <p>The Human Rights Organs of the Ministry of Justice respond to inquiries at the permanent counseling offices and established a "Women's Hotline" for telephone counseling.</p> |

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| <p>7 Take measures to eliminate discrimination based on sexual orientation and gender identity (subparagraph 11)</p> | <p>In Japan, with the entry into force in July 2004 of the Law for Special Measures for the Treatment of Gender for People with Gender Identity Disorders (Special Measures Law for Gender Identity Disorders), people with gender identity disorders may now change their gender in family registers. The 2008 revision to the Law has relaxed requirements on the change of gender by people with gender identity disorders. Japan, believing that any violation of human rights attributed to sexual orientation should not be tolerated, signed as a member of the core group the statement on sexual orientation adopted by the General Assembly of the United Nations at its 63rd session in 2008.</p> <p>The Third Basic Plan for Gender Equality, which the Cabinet approved in December 2010, states that "efforts will be made on awareness, consultation, investigation, and redress activities with the aim of eliminating discrimination and prejudice against sexual orientation" and "efforts will be made on awareness, consultation, investigation, and redress activities with the aim of eliminating discrimination and prejudice against people with gender identity disorders."</p> <p>The Human Rights Organs of the Ministry of Justice regard the issue of sexual orientation and gender identity disorders as an issue that needs to be addressed and are carrying out various awareness-raising activities, human rights counseling, and investigation and settlement of human rights infringement cases.</p> |
| <p>8 Continue to take measures to reduce the incidence of violence against women and children, <i>inter alia</i>, by ensuring that law enforcement officials receive human rights training, and to fund recovery and counselling centres for victims of violence (subparagraph 14)</p> | <p>[Ministry of Justice] <Prosecution officials></p> <p>The Ministry of Justice provides various training programs for prosecution officials according to their years of experience. As part of such training, the Ministry organizes lectures that take into account the characteristics of prosecution officials' duties, including a lecture on "international treaties on human rights" and a lecture on "due consideration for children and women in conducting prosecution activities".</p> <p><Officials at correction facilities ></p> |

The Ministry of Justice makes use of various training opportunities to help officials at correction facilities, including prison officers, acquire knowledge on treaties and legislation related to various human rights issues and relevant skills, which are necessary in order to treat inmates appropriately and effectively.

<Officials at rehabilitation offices>

The Ministry of Justice organizes lectures, mainly for newly assigned probation officers, among officials at rehabilitation offices, on human rights including the prevention of violence against women and children to ensure due consideration to be given for women and children.

<Officials in charge of immigration control>

The Ministry of Justice conducts various training for officials at the Immigration Bureau tailored according to their posts, from newly employed officials to senior officials. As part of such training, the Ministry engages them in lectures on human rights and, for the middle-ranking officials in particular, it conducts training on measures to combat trafficking in persons, on cases including domestic violence, and on human rights, in cooperation with lecturers from outside, including those from ministries and agencies concerned, the International Organization for Migration (IOM), and nongovernmental organizations for human rights.

[National Police Agency]

Given that police officers are engaged in duties deeply related to human rights, such as criminal investigations, the National Police Agency stipulates, in its Rules on the Ethics of Duty and Service of Police Personnel (National Public Safety Commission, 2000, No.1) , the Basics of the Ethics of Duty, with a great emphasis on respect for human rights. The Agency also makes it a top priority to provide education on the ethics of duty among other educational activities for police officers, thereby actively promoting human rights education. Newly employed police personnel and those who are to be promoted receive education in classes at police schools on respect for human rights, such as on jurisprudence including the Constitution and the

Code of Criminal Procedure, and on the ethics of duty. At every opportunity, including special education at police schools for each level of personnel and training programs at police headquarters, police stations, and other workplaces, the Agency provides those police personnel who are engaged in matters such as criminal investigations, detention services, and support for victims with education to help them acquire knowledge, skills, and other qualities that will become necessary in executing their duties appropriately with due consideration for the human rights of suspects, detainees, and victims, among others concerned.

[Ministry of Health, Labour and Welfare]

The Ministry of Health, Labour and Welfare conducts human rights training for labor standards inspection officers in cooperation with lecturers from outside, including those from universities and human rights groups.

[Cabinet Office]

The elimination of all forms of violence against women is one of the top priorities in the Third Basic Plan for Gender Equality, which was approved by the Cabinet in December 2010. Japan intends to promote a wide range of efforts comprehensively according to the type of violence.

1. The Cabinet Office continues to take the following measures in order to reduce the impact of violence against women.

(1) The Campaign for the Elimination of Violence against Women, as a PR and awareness activity to eliminate violence against women. The campaign is conducted each year from 12 to 25 November.

(2) Preventive education and awareness raising directed at young people and an information campaign on organizations assisting spousal violence victims, as measures to be promoted based on the Act on the Prevention of Spousal Violence and the Protection of Victims.

(3) Emergency telephone counseling services for victims of spousal and sexual violence (Service period: February and March, 2011).

2. While the Cabinet Office does not directly finance rehabilitation and

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| | <p>consulting facilities for victims of violence, half of the expenses required to provide financial assistance to private shelters run by local public entities and of expenses required to run municipalities' Spousal Violence Counseling and Support Centers is incorporated in the standards for calculating national tax revenues to be specially allocated to local governments. The Cabinet Office has been working to make the fact more widely known to the public that these expenses can be financed through national tax revenues that are specially allocated to local governments, in order to promote the utilization of this arrangement. Measures to support the independence of vulnerable persons, including domestic violence countermeasures, are covered as a budgetary item of the Local Grant for Regional Revitalization ("The Local Grant to Shed Light on the People's Daily Lives") appropriated in the FY2010 supplementary budget. The Cabinet Office encourages local governments to utilize local grants to assist management of support groups in the private sector by providing information to local government.</p> <p>[Ministry of Health, Labour and Welfare]</p> <p>The Ministry of Health, Labour and Welfare covers and assists with, in accordance with the relevant law, expenses on the management and protection of such facilities as Child Guidance Centers, Women's Consulting Offices, and Women's Protection Facilities which function as rehabilitation and consulting facilities for child and female victims of violence.</p> |
| <p>9 Continue the efforts to combat trafficking in persons with a special emphasis on women and children (subparagraph 15)</p> | <p>Japan revised its existing action plan and formulated Japan's 2009 Action Plan to Combat Trafficking in Persons in December 2009 based on the recognition that trafficking in persons is a serious crime and grave violation of human rights. According to the Action Plan, ministries and agencies concerned led by the Cabinet Secretariat have been working closely in implementing measures comprehensively in the areas of the prevention and eradication of trafficking in persons and the protection of victims. Specifically, Japan intends to consider implementing those policy measures contained in the Action Plan,</p> |

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| | <p>including the enhancement of provision of services in victims' mother languages and services for women, the consideration of the operation of a multi-language hotline, and the further strengthening of the strict response to sexual exploitation of children and of efforts to eliminate child pornography.</p> <p>Efforts to promote international cooperation include strengthening bilateral collaboration on measures to combat trafficking in persons mainly through the dispatch of Government Delegations; providing assistance through the IOM to victims of trafficking in persons for their return home and reintegration into society; and implementing projects centered on the protection of, and palliative care for, victims, through the United Nations Office on Drugs and Crime (UNODC) in Thailand and other countries.</p> |
| <p>10 Develop a mechanism to ensure the prompt return of children who have been wrongly removed from or prevented from returning to their habitual place of residence (subparagraph 16)</p> | <p>Japan has been addressing the issue in cooperation with other countries concerned with the basic principle being to attach importance to the welfare of children who are put in a difficult situation. Japan has also taken measures to raise awareness of Japanese nationals abroad and has introduced stricter control on the issuance of passports for minors, from the perspective of preventing children from being wrongfully removed. The Government of Japan is also seriously engaged in the issue of international child abduction. With the best interest of children in mind, the government aims to reach a decision as early as possible on the possibility of concluding the Convention on the Civil Aspects of International Child Abduction. To this end, relevant ministries and agencies are working closely and are also taking into account a broad range of views.</p> |
| <p>11 Prohibit expressly all forms of corporal punishment of children and promote positive and non-violent forms of discipline (subparagraph 17)</p> | <p>Article 11 of Japan's School Education Law strictly prohibits corporal punishment. The Ministry of Education, Culture, Sports, Science and Technology has provided guidance to this effect, through notifications and annual conferences / training sessions for teachers and related personnel, implemented by the boards of education.</p> <p>On the other hand, Article 822 of the Civil Code stipulates that a</p> |

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| | <p>person who exercises parental authority may discipline a child to the extent deemed necessary. This provision allows a person who exercises parental authority to impose sanctions on the child to the extent deemed necessary and appropriate from the perspective of taking care of the child in order for the person to correct the child's misconduct and guide the child onto the right path. Whether or not such sanctions are deemed necessary and appropriate from the perspective of caring for the child is determined by sound common sense prevailing in society and the era. If the discipline is provided excessively to an extent which is impermissible, that will lead to the loss of parental authority (Article 834 of the Civil Code).</p> <p>Moreover, in cases which the right to discipline the child is exercised to an extent that goes beyond what is deemed appropriate by conventional wisdom, such cases are punishable by law, including the Penal Code (e.g. assault, injury, unlawful capture and confinement, etc.) as well as the Child Abuse Prevention Law.</p> |
| <p>12 Harmonize the procedures for reviewing asylum decisions with the Convention against Torture and other relevant human rights treaties and provide State legal aid for migrants who need it (subparagraph 20)</p> | <p>Based on the Convention against Torture and other relevant human rights treaties, Japan is making efforts to appropriately operate the system for refugees to file objections. In addition, through the revision of the Immigration Control and Refugee Recognition Act in 2009, the third paragraph of Article 53 of the Act expressly stipulates that the countries to which any person subject to deportation shall be deported shall not include those countries prescribed in the first paragraph of Article 3 of the Convention against Torture or in the first paragraph of Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance.</p> <p>With regard to actual deportation procedures, Japan follows the principle of non-refoulement and thus does not deport those who are applying for recognition of refugee status. As for those whose applications for recognition of refugee status were rejected and who have filed a lawsuit in this regard, Japan makes decisions on matters such as the timing of deportation on a case-by-case basis with due consideration of the right to stand trial and based on trial proceedings</p> |

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| | and other elements. |
| <p>13 Permit international monitors to examine immigration detention centres (subparagraph 21)</p> | <p>Although the definition of "international monitors" is not quite clear, Japan accepted the observations of immigration detention centers and other places by the Special Rapporteur of the United Nations Human Rights Council on trafficking in persons in July 2009 and by the Special Rapporteur of the United Nations Human Rights Council on the human rights of migrants in March 2010.</p> <p>Furthermore, the Ministry of Justice established the Immigration Detention Facilities Visiting Committee in July 2010 with a view to making a contribution to the proper management of immigration detention centers, etc. The visiting committee is comprised of third-party experts, including academic experts, legal professionals, medical professionals, and members of nongovernmental organizations.</p> <p>The purpose of the visiting committee is to ensure further transparency of treatment, and improvement of the management of the facilities. The visiting committee intends to achieve this purpose by presenting its opinion concerning the management of the facilities to the directors of these facilities after observing immigration detention centers, etc. and having interviews with detainees, etc.</p> |
| <p>14 Continue to provide financial assistance for countries in need of socio-economic development and extend support for the global effort in the realization of the right to development as stipulated in Millennium Development Goal 8 (subparagraph 24)</p> | <p>Japan continues to provide assistance that will contribute to the stability and development of developing countries, despite its stringent fiscal conditions. In providing assistance, Japan seeks to realize a society in which people can fulfill their lives with dignity, free from fear and want, based on the concept of human security which focuses on each and every individual. As for the efforts to achieve the Millennium Development Goals (MDGs), Japan has announced and steadily implemented a variety of commitments. Japan announced a new commitment in September 2010 of providing assistance of 5 billion dollars in the field of health and 3.5 billion dollars in the field of education over five years starting in 2011. Japan will also host an international conference in June 2011 to follow up on the High-level</p> |

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| | <p>Plenary Meeting of the General Assembly of the United Nations on the MDGs in order to strengthen coordination among a broad range of stakeholders. Japan intends to lead the efforts to achieve the MDGs by 2015 by steadily carrying out these activities.</p> |
| <p>15 Share its experience with other States, on protecting human rights in the context of their violation on the Internet (subparagraph 25)</p> | <p>The Human Rights Organs of the Ministry of Justice endeavor to take appropriate measures in response to serious infringements on the Internet of the human rights of other persons, such as defamation and invasion of privacy. Specifically, the Organs endeavor to eliminate infringements by persuading the sender/poster to have respect for human rights if the sender/poster is known, and requesting the providers to remove the information if the sender/poster cannot be identified.</p> <p>Furthermore, the Consultation Center for Illegal/Harmful Information, in which the Government participates as an observer, was set up based on the outcome of the Study Group on Countermeasures against Illegal/Harmful Information on the Internet established in 2005, thereby assisting voluntary countermeasures by ISPs (Internet service providers) and electronic bulletin board administrators, among others. Four organizations in the private sector, including the Telecommunications Carriers Association, with the Ministry of Internal Affairs and Communications participating as an observer, have jointly formulated the Guidelines concerning Responses to Illegal Information on the Internet and the Model Conditions of Contract concerning the Responses to Illegal/Harmful Information.</p> <p>The Government established the Comprehensive Measures to Eliminate Child Pornography in 2010 and has been promoting measures for the prevention of distribution of, and access to, images of child pornography on the Internet, including the promotion of various measures toward the introduction of blocking by Internet service providers and related business operators on a voluntary basis.</p> |

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| <p>16 Fully involve civil society in the follow-up to the UPR process at the national level and systematically and continually integrate a gender perspective in the follow-up process to the review (subparagraph 26)</p> | <p>Various opportunities for dialogue with civil society, including nongovernmental organizations, have been set up. Japan will continue to attach importance to such dialogue and continue the practice.</p> <p>Japan has been working on the realization of a gender-equal society as a top priority issue. The Government as a whole is seeking to promote relevant measures in a comprehensive and systemic manner based on the Basic Plan for Gender Equality and advancing efforts to integrate a gender perspective in all policies and measures.</p> |
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