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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Japan**

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## **I. Methodology and consultation process (subparagraph 26 of the last UPR recommendations)**

1. The Second National Report by Japan for the Universal Periodic Review has been prepared in line with the guidelines, including resolutions and decisions adopted by the Human Rights Council (A/HRC/RES/16/21 and A/HRC/DEC/17/119), and by focusing on, *inter alia*, the implementation of the recommendations which Japan accepted to follow-up during the first UPR cycle in 2008 and on the development of human rights situations in Japan.

2. Japan's national report drawn up for this review has been coordinated by the Ministry of Foreign Affairs with the involvement of a number of ministries, including the Cabinet Secretariat, the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Land, Infrastructure, Transport and Tourism, and the National Police Agency.

3. Prior to the submission of this report, Japan gave serious consideration to the outcome of its own UPR session of May 2008 and voluntarily published its follow-up status in March 2011. Japan expects that each country will take voluntary follow-up action in order to continue further improving its human rights situation during the second cycle of the UPR.

4. In Japan, various activities of civil society to promote and protect human rights are being actively conducted and the Government of Japan recognizes the importance of such activities. The outcome document of the first cycle of the UPR in 2008 containing recommendations and others were translated into Japanese and are available on the website of the Ministry of Foreign Affairs to make it known to the general public. Further, civil society involved in the follow-up to the UPR process. In particular, the Ministry of Foreign Affairs held a dialogue with civil society and NGOs to exchange views on February 21, 2012, and collected opinions on this report from the public through its website. In this regard, social media, including the Facebook page and Twitter account of the Ministry of Foreign Affairs, were utilized to provide information about the dialogue and collect opinions. Furthermore, various opportunities for dialogue with civil society, by holding sessions in the course of preparing Government Reports on the human rights treaties, attending consultations held by private organizations and receiving requests by private organizations regarding the current measures, have been ensured. The Government of Japan will continue to attach importance to such dialogue and continue these practices.

## **II. International conventions**

### **A. Initiatives for concluding human rights treaties and others (subparagraph 1)**

5. Since May 2008, Japan has made efforts to conclude human rights treaties and withdraw reservations as follows.

#### **1. International Convention on the Protection of All Persons from Enforced Disappearance**

6. The significance of this Convention is to confirm enforced disappearance, including abduction as a punishable offence in the international community, and to deter such

offences from being repeated in the future. Japan attaches importance to this Convention from the viewpoint of increasing the interest of the international community in enforced disappearances, including abductions, and therefore concluded this Convention in July 2009.

## **2 Convention on the Rights of Persons with Disabilities**

7. With regard to the Convention on the Rights of Persons with Disabilities which Japan signed in September 2007, the Ministerial Board for Disability Policy Reform was established in December 2009 to promote measures for persons with disabilities and has been engaged in intensive discussions with the participation of persons with disabilities. Based on such discussions, the revised Basic Act for Persons with Disabilities was enacted in July 2011, in which provisions consistent with the purpose of “reasonable accommodation” specified in the Convention on the Rights of Persons with Disabilities were added. The Commission on Policy for Persons with Disabilities was also established as an agency that makes recommendations to the relative ministers. In addition, the “General Support for Persons with Disabilities Act” passed in the 180<sup>th</sup> session of the Diet. Japan strives to conclude the Convention on the Rights of Persons with Disabilities at an early date, while continuing to develop its internal structures.

## **3 Individual communications procedures**

8. Japan considers the individual communications procedure set forth 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, to be noteworthy in that it effectively guarantees the implementation of human rights treaties. With regard to the acceptance of the procedure, the Government of Japan is making an internal study on various issues including whether it poses any problem in relation to Japan’s judicial system or legislative policy, and a possible organizational framework for implementing the procedure in case Japan is to accept it. In this process, the Division for Implementation of Human Rights Treaties was set up in the Ministry of Foreign Affairs in April 2010. Japan will continue to seriously consider whether or not to accept the procedure, while taking into account opinions from various quarters.

## **4 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

9. Japan understands the principles of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is to seek to protect the rights of migrant workers and their family members. Meanwhile, Japan recognizes that very careful considerations are required in relation to the principle of equality, various domestic systems in Japan and other elements, to conclude the Convention, which guarantees the rights of migrant workers more than those given to Japanese nationals and to other foreign nationals.

## **5 Withdrawal of reservations to elements of the International Covenant on Economic, Social, and Cultural Rights**

10. While concluding the International Covenant on Economic, Social, and Cultural Rights, Japan reserved the right not to be bound by “in particular by the progressive introduction of free education” referred to in sub-paragraphs (b) and (c) of paragraph 2 of article 13 of the Covenant for the reason that appropriate payment is required of students at national or public schools from the perspective of maintaining an equitable balance with students at private schools which constitute a considerable portion of upper secondary and higher education.

11. Recently, however, the reduction of the economic burden of educational expenses on households has been strongly requested to support all those who wish to receive upper secondary education regardless of their economic conditions. In April 2010, the so-called “Free High School Education Act” was enacted which eliminated public high schools tuition. The Government of Japan also established the High School Enrollment Support Fund System for the tuition fees of students at national and private high schools in order to reduce the burden of education expenses on households. As for higher education, the Government of Japan has been working on measures to reduce or exempt tuition fees at universities and to enhance scholarship loans to help further reduce financial burden. Considering these measures, Japan is now under the process toward withdrawing the reservation to the provision “in particular by the progressive introduction of free education” referred to in the Covenant.

**6 Amendment of declaration with respect to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

12. Japan made an amendment to the declaration which was made based on paragraph 2 of Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to the effect that “the Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as members of the Japan Self-Defense Forces” (the amended declaration came into effect on April 1, 2010). This amendment was notified to the Secretary-General of the United Nations, in accordance with paragraph 4 of Article 3 of the Protocol, in the form of a document describing the new declaration. This new declaration was made to revise the existing declaration and actually is equivalent to withdrawing the past interpretive declaration which was made by Japan upon the conclusion of the Optional Protocol.

**7 Convention on the Civil Aspects of International Child Abduction (the Hague Convention)**

13. Recognizing that the conclusion of the Hague Convention is significant for the interests of children, the Government of Japan decided to make preparations toward its conclusion. The Hague Convention and its domestic legislation were introduced to the 180<sup>th</sup> session of the Diet (ordinary session).

14. Contracting States shall designate a “Central Authority” to discharge the duties under the Convention. Japan is to designate the Minister for Foreign Affairs as its central authority. The tasks of the Central Authority and various procedures for returning children provided for in the Hague Convention are new to the Government of Japan, and many domestic relevant organizations are to be involved in the implementation of the Convention. In order to implement the Hague Convention, it is necessary to make it known to the general public and develop a system for its implementation through those domestic relevant organizations. In view of these matters, the Government of Japan is now making the necessary preparations with the aim of implementing the Hague Convention at the earliest date possible.

**B. Compliance with human rights treaties**

15. Japan faithfully observes the concluded international human rights treaties and submits comprehensive government reports to human rights treaty bodies on a periodic basis in accordance with these treaties. Japan also dispatches a delegation consisting of representatives of ministries concerned and actively attends the consideration of government reports. Each government report and concluding observation by the human rights treaty bodies are widely distributed to government officials and other relevant

persons for the purpose of information sharing, and are also posted on the website of the Ministry of Foreign Affairs, both in Japanese and English, to allow the general public to have access to the information.

### **III. Human rights protections**

#### **A. Initiatives of the Human Rights Organs of the Ministry of Justice**

16. The Human Rights Organs of the Ministry of Justice carry out human rights remedy activities (human rights counseling, and investigation and resolution of human rights infringement cases) and human rights promotion activities at the Legal Affairs Bureaus, the District Legal Affairs Bureaus and their branches (a total of 315 locations (as of April 1, 2012) across the nation) in order to protect human rights. These activities are properly handled by government officials of the Legal Affairs Bureaus and the District Legal Affairs Bureaus, as well as Human Rights Volunteers who are private citizens appointed by the Minister of Justice (approximately 14,000 in the country) on fair and impartial grounds under the Human Rights Bureau of the Ministry of Justice.

#### **B. Establishment of a new national human rights institution (subparagraphs 2 and 3)**

17. As mentioned above, Human Rights Organs of the Ministry of Justice properly carry out human rights remedy activities and human rights promotion activities on fair and impartial grounds. However, there are still some issues to be addressed, including the insufficiency of their legal status to ensure the reliability of the independence of their duties. Under such circumstances, the Government of Japan is now making necessary preparations to submit a bill to the Diet to establish a human rights commission as the national human rights institution in accordance with the Paris Principles.

#### **C. Human rights training (subparagraph 14)**

18. In Japan, subjects related to human rights are actively included in the training curriculum for public servants so that the principles of human rights treaties can be fully understood by all public servants. In particular, extensive human rights training, including on the rights of women and children are provided for public servants deeply involved in human rights, such as law enforcement officials, as follows:

##### **1 Prosecutors and officers in the Public Prosecutors Office**

19. The Ministry of Justice provides various training programs for prosecutors and officers in the Public Prosecutors Office according to their level of experience. As part of such training, the Ministry provides lectures on human rights, such as “covenants on human rights” and “due consideration for children and women in conducting prosecution activities.”

##### **2 Officials at correctional institutions**

20. The Ministry of Justice makes use of various training opportunities to help officials at correctional institutions acquire knowledge and skills on treaties and legislation related to various human rights issues, including the rights of women and children, necessary for the appropriate and effective treatment of inmates.

**3 Officials at rehabilitation offices**

21. The Ministry of Justice organizes lectures for probation officers on human rights including the prevention of violence against women and children and due consideration for women and children, so that they may acquire the knowledge which is necessary for implementing probation and responding to crime victims.

**4 Officials in charge of immigration control**

22. The Ministry of Justice conducts various training for officials of the Immigration Bureau according to their levels of experience, from newly employed officials to senior officials. As part of this training, the Ministry engages them in lectures on human rights and, for mid-ranking officials in particular, it also conducts training on measures to combat trafficking in persons, domestic violence, and human rights in cooperation with other agencies, including those from ministries and agencies concerned, the International Organization for Migration (IOM), non-governmental organizations for human rights, legal professionals, academic experts and media representatives.

**5 Police personnel**

23. At police schools, education concerning respect for human rights is provided to newly recruited police personnel and promoted police personnel. In addition, education is provided in courses on methods and skills for prevention or investigation of cases in which women or children are more likely to become victims, such as sexual crimes, domestic violence, child abuse and welfare crimes.

24. Police personnel in charge of criminal investigations, services of detentions, assistance to crime victims and others are educated so that they can acquire the knowledge and skills necessary to appropriately execute their duties by giving consideration to the human rights of suspects, detainees, and victims. To provide these education, various opportunities such as specialized education courses offered at police schools of every level and training sessions in police headquarters, police stations, and other workplaces are utilized.

**6 Labor standards inspectors**

25. The Ministry of Health, Labour and Welfare conducts human rights training for labor standards inspectors in cooperation with outside lecturers including human rights groups, and further encourages them to participate in human rights training workshops or seminars which are held by boards of education, human rights groups, or other groups so that they may acquire further knowledge of human rights.

**IV. Achievements, best practices, challenges****A. Protection of human rights in criminal justice proceedings****1 Proper interrogation procedures**

26. In order to further ensure proper interrogations, the Public Prosecutors Office released a policy for the promotion of proper interrogations in April 2008. According to this policy, in case a complaint or statement pertaining to interrogations is raised by a suspect, a defense counsel, or other person, the prosecutor must put such details in writing and report this to his or her superior. The superior will carry out the necessary inquiry and take necessary measures. This superior will also provide explanation to the person making the complaint to the extent possible. This policy has been put into practice since its release.

27. The National Police Agency put together the Guidelines for Ensuring the Propriety of Interrogation Procedures in Police Investigations in January 2008 to promote further propriety in interrogations.

28. Based on these Guidelines, the police are advancing various measures including strengthening supervision of interrogations, strictly managing the time and length of interrogations, and raising the awareness of the police personnel involved in criminal investigations.

29. In July 2011, an Inspection and Supervision Division was newly established in the Supreme Public Prosecutors Office to take charge in the detection and the investigation of illegal or improper interrogations or other illegal or improper conduct by public prosecutors and to provide necessary guidance.

## **2 Audiovisual recording of interrogations**

30. The system for audiovisual recording of prosecutors' interrogations of suspects was launched on an experimental basis in July 2006 for confession cases subject to lay-judge ruling. Since April 2009, for all confession cases subject to lay-judge ruling, in principle, audiovisual recordings of the interrogations of suspects have been conducted. From April 2009 to the end of March 2011, interrogations were recorded for 3,296 cases in total.

31. In September 2008, some prefectural police started audiovisual recording of the interrogations of suspects on an experimental basis, for confession cases subject to lay-judge ruling. This experimental approach was launched in all prefectures in April 2009. By the end of December 2011, 1,587 recordings of interrogations were made in total.

32. Such audiovisual recording by the prosecutors and the police can objectively reveal such things as the situations of the interrogation rooms, the way interrogators ask questions to suspects, facial expressions of suspects, their tones of voice and, their behavior. In the course of the recording, the suspects are afforded opportunities to freely make statements about the circumstances of their confessions or the situation of the interrogations. The recording is not interrupted or discontinued even if the suspect makes a statement detrimental to the prosecution. All audio and video recordings are disclosed to the defense counsels, without any modification or compilation.

33. The Ministry of Justice and others are currently looking into the issue of transparency of suspect interrogations and the procedures of the criminal justice system. Specific topics under discussion are summarized below:

- A study group was set up in the Ministry of Justice to discuss the transparency of suspect interrogations in October 2009. The outcomes of their survey and study were summarized in a report in August 2011, proposing a certain direction for transparent interrogations. The proposal suggested that audiovisual recordings of prosecutors' interrogations be expanded on an experimental basis, in order to contribute to future efforts in designing a system of more transparent interrogations.
- Based on this, in August 2011, the scope of cases for which interrogation must be recorded was expanded to all cases subject to lay-judge rulings including cases of denial.

In addition, experimental recording of public prosecutors' interrogations was newly started for suspects in detention under investigation by the special investigation department which deals in cases not necessarily subject to lay-judge rulings (from March 2011) and for cases involving suspects whose communication skills are poor due to intellectual disabilities (from July 2011). The additional expansion above also covers cases in which the suspect is denying the charges, and includes the recording of the total process of interrogations, from start to finish.



- On the part of the police, in order to ensure the transparency of suspect interrogations in a manner not to deteriorate public safety, a study group chaired by the Chairman of the National Public Safety Commission and comprising members selected from outside experts was set up in February 2010, with the mission of studying the sophistication of investigation methods as well. In February 2012, this study group issued the Final Report, suggesting that the scope of experimental audiovisual recording of police interrogations be expanded and that investigation methods that is highly feasible should be examined promptly toward their adoption and be realized if the methods are considered to be highly effective and their introduction is considered to be appropriate even considering the degree of infringement of the human rights.

Based on the Final Report, the National Police Agency established the “Program to Advance Investigation Methods and Interrogations” in March 2012 to expand the scope of experimental audiovisual recording of interrogations, advance and ensure the propriety of interrogations and sophisticate investigation methods. In April 2012, the National Police Agency expanded the scope of experimental audio visual recordings of interrogations to include all cases subject to lay-judge ruling, not only cases involving confessions but also, when necessary, cases in which suspects deny the charges and recording of the interrogation at various stages. In May 2012, this audiovisual recording was launched on an experimental basis, including for cases in which suspects have intellectual disability.

- In June 2011, the Minister of Justice asked his advisory boards to deliberate on how to develop legislation to establish a new criminal justice system that meets the demands of the times, including the introduction of a system of audiovisual recording of interrogations of suspects.

## **B. Protection of the human rights of women and others**

### **1 Third Basic Plan for Gender Equality**

34. The “Third Basic Plan for Gender Equality”, approved by the Cabinet on December 17, 2010, established 15 priority fields for creating a gender-equal society, sets the direction of long-term policies up until 2020, and indicates specific measures to be implemented by the end of FY 2015.

### **2 Initiatives to expand women’s participation in policy and decision-making processes**

35. The Third Basic Plan for Gender Equality highlights the promotion of effective “positive action”, and introduced positive action with “time-goals,” setting numerical targets and timetables for each of the priority fields in which to expand the participation of women such as politics, the public sector, employment, academia and decision-making positions at all levels. Based on the Third Basic Plan for Gender Equality, the Government of Japan is strengthening the framework for the promotion of positive action and awareness-raising and educational campaigns.

### **3 The meetings of the Ministerial Council on the Promotion of Economic Revival through Women’s Active Participation**

36. Recognizing that women’s active participation and social advancement is indispensable for Japan’s revitalization, the relevant ministerial meetings have been held and have endorsed the Action Plan to Promote Economic Revival through Women’s Active Participation whose three pillars are (i) changing men’s way of thinking, (ii) taking a drastic

positive action, and (iii) government that takes the initiative. The Government of Japan will have drawn up its road map by the end of 2012.

#### **4 Initiatives to prevent violence against women (subparagraph 14)**

37. The Third Basic Plan for Gender Equality designates the “elimination of all forms of violence against women” as a priority field, and recommends the implementation of broad-based activities in an integrated manner depending on the type of violence.

38. The Cabinet Office continues to implement the following measures to reduce violence against women:

- Campaign for the elimination of violence against women as an awareness-raising and education campaign (November 12-25 of each year);
- Preventive education targeting young people and dissemination of consultation desk services for spousal violence as initiatives under the “Act on the Prevention of Spousal Violence and the Protection of Victims”;
- Provision of emergency telephone counseling services for victims of spousal violence (February-March 2011);
- Efforts to increase the numbers of Spousal Violence Counseling and Support Centre.

39. Through legislation, the Ministry of Health, Labour and Welfare has a system under which it bears or subsidizes the expenses, including the living expenses of women who seek advice and are temporarily protected by Women’s Consulting Offices established by prefectural governments until they can rehabilitate and, the personnel expenses of these offices, as well as the living expenses of women who seek advice and are protected by Women’s Protection Facilities established by prefectural governments and social welfare corporations and the personnel expenses of these offices, etc.

#### **5 Initiatives to address problems faced by minority women (subparagraph 8)**

40. Based on the Third Basic Plan for Gender Equality, the Government of Japan intends to advance efforts to realize a gender-equal society.

41. 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-raising activities on human rights and providing remedies to victims of human rights violations.” The Basic Plan also states that “existing human rights counseling offices in the Legal Affairs Bureaus and District Legal Affairs Bureaus will make active efforts to answer inquiries regarding human rights and ensure 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.”

42. The Human Rights Organs of the Ministry of Justice provide human rights counseling services through interviews, over the phone (a “Women’s Hotline” has been established), in writing and via the Internet through the Legal Affairs Bureaus, District Legal Affairs Bureaus and their branches (315 in total in the country). During human rights counseling, proper advice is given and related organs are introduced. If a human rights violation is suspected, it is investigated as a human rights infringement case, and appropriate measures are taken to eliminate human right infringement or prevent the recurrence of similar acts.

## **6 Initiatives to establish/improve legislation related to families (subparagraph 7)**

43. In January 2010, a “bill to revise part of the Civil Code and the Census Registration Act (tentative name)” which would have introduced a universal marriageable age between men and women and a system for allowing married couples to choose their respective surnames was drafted; and it was expected to be submitted by the Cabinet to the 174<sup>th</sup> session of the Diet (ordinary session). However, opinions were divided over the bill, and a cabinet decision was not obtained. Therefore, the bill was not submitted to the Diet.

44. The Third Basic Plan for Gender Equality states that the Government of Japan will continue to examine the revision of the Civil Code, in consideration of the diversification of modalities of husbands and wives and families, and by taking into consideration the concluding observations of the Committee on the Elimination of Discrimination against Women.

## **C. Protection of human rights of children**

### **1 Measures to prevent child abuse (subparagraph 14)**

45. In 2011, the Civil Code, the Child Welfare Act, and other laws were revised to promote the prevention of child abuse and protect the rights and interests of children. The revised laws make it clear that a person with parental authority must take care of his or her child in the interest of the child. It is also made clear that if the interest of a child is threatened due to such as any impropriety of the parental authority, parental authority may be restricted and this may lead to the loss of parental authority, etc. In addition, the revised laws create a system for the suspension of parental authority to enable proper limitation of parental authority as necessity; take measures to allow appointment of a juridical person or multiple persons as a guardian; and allow children, guardians of minors, etc. to request for a trial for loss of parental authority, etc. Furthermore, the revised laws allow a Child Guidance Centre’s director to exercise parental authority when there is no such person for a child entrusted to foster care or under temporary custody. Measures were also taken to require a person who has parental authority or anyone else not to unreasonably disturb necessary measures concerning custody of a child, when such measures are taken by a facility manager for the welfare of the child.

46. Under the legislation, local governments have established Child Guidance Centres where children who are victims of violence can rehabilitate or seek advice. Public expenditure, financially assisted by the central government in the forms of burden charge, subsidies, etc, under related laws, covers the expenses of the operation of these facilities and the temporary custody.

### **2 Prohibition of corporal punishment (subparagraph 17)**

47. In Japan, Article 11 of the School Education Law strictly prohibits corporal punishment. The Ministry of Education, Culture, Sports, Science and Technology has provided guidance to this effect to teaching staff through boards of education, etc., by way of notifications and at annual conferences and training sessions for teaching staff.

48. On the other hand, Article 822 of the Civil Code stipulates that a person with parental authority may discipline a child to an extent deemed necessary. This provision allows a person who exercises parental authority to discipline the child to an extent deemed necessary and appropriate from the perspective of taking care of the child in order to correct the child’s misconduct and guide the child onto the right path. This provision does not allow for corporal punishment. Whether or not such disciplinary actions 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 discipline is provided excessively

to an extent that is impermissible, it will lead to loss of parental authority (Article 834 of the Civil Code) or suspension of parental authority (Article 834-2 of the Civil Code).

49. The Civil Code as revised in 2011 deletes the provision—“A person who exercises parental authority may discipline the child to an extent necessary, or enroll the child at a disciplinary institution with the permission of the family court.”

50. Article 3 of the Child Abuse Prevention Act provides that “[n]o person shall abuse a child.” Thus, the Act has a clear provision which prohibits child abuse. Article 14(1) of the Act provides that “[a] person who exercises parental authority over a child shall give consideration to proper exercise of authority in disciplining the child.” Thus, the Act obligates a person with parental authority to exercise such authority in a proper manner that will not constitute child abuse.

51. If exercise of disciplinary rights over a child exceeds reasonable current social standards, the person concerned shall be punished for assault, injury, unlawful capture and confinement, etc. under the Penal Code.

#### **D. Measures to combat trafficking in persons (subparagraph 15)**

52. In light of recent trends in trafficking in persons, which have become more sophisticated and invisible, the Government of Japan revised “Japan’s Action Plan of Measures to Combat Trafficking in Persons” (established in December 2004) as “Japan’s Action Plan of Measures to Combat Trafficking in Persons 2009” in December 2009. Based on this plan, the ministries and agencies concerned have been working closely in implementing the relevant measures in an integrated manner.

53. From the perspective of protecting victims of trafficking in persons including women and children, in July 2011, the Government of Japan compiled “Guidelines on the Treatment of Human Trafficking Cases (Measures for Protection of Victims)” in order to assist administrative organs and other related organizations engaged in combating trafficking in persons. The Guidelines summarize essential points for protecting victims of trafficking and show measures to be taken by the concerned ministries and agencies with full respect to the protection of victims out of the measures for cases of trafficking in persons. The Guidelines require the concerned ministries and agencies, such as the police, the Immigration Bureau, the Legal Affairs Bureaus, Women’s Consulting Offices, Child Guidance Centres, Labor Standards Inspection Offices and the Ministry of Foreign Affairs to immediately notify, if necessary, the police, Immigration Bureau, the Japan Coast Guard, Women’s Consulting Offices (limited to cases concerning women) or Child Guidance Centres (limited to cases concerning children) to obtain a more professional judgment in order to protect the person in question, if a person seeking advice, etc. is, or may be, considered to be a victim of trafficking in persons.

54. If a victim of trafficking in persons or a person seeking advice is female, the police, Immigration Bureau or the Japan Coast Guard is required to ask female staff to assist the woman to the greatest extent possible so as to pay appropriate attention to the woman’s physical and mental condition.

55. As for legal assistance to victims of trafficking in persons, the Japan Legal Support Centre provides Civil Legal Aid services to citizens who are not financially capable of paying the necessary expenses in civil judicial decision proceedings, etc., such as attorney’s fees.

56. The Government of Japan may grant victims special permission to stay, even if they are violating the Immigration Control and Refugee Recognition Act by illegally staying in the country. If this is granted, victims are eligible for civil legal aid services because they

are recognized as “foreign nationals lawfully residing in this country” (Article 30 (1)(ii) of the Comprehensive Legal Support Act).

57. Strict crackdowns on prostitution have been conducted to reduce demand for commercial sexual activities and thereby eliminate cases of trafficking in persons. For example, the police have intensified efforts to crackdown on sex-related offenses, including prostitution, for the reason that sexual exploitation accounts for the majority of cases of trafficking in persons. Information received by the anonymous-tip hotline of the National Police Agency includes that on cases of trafficking in persons which may be those against the Anti-Prostitution Act. In that connection, information received has been used for investigation of prostitution.

58. To facilitate the prevention of trafficking in persons, Japan has been promoting efforts to raise awareness of the potential perpetrators of sexual exploitation so that Japanese nationals who may be involved in sexual exploitation will refrain from child prostitution in foreign countries.

59. A booklet, titled “Important information for tourists,” has been prepared by the Ministry of Foreign Affairs for Japanese overseas travelers and clearly states that child prostitution or the act of possessing child pornography will be penalized as offenses committed outside Japan under Japanese law and therefore they are recommended to refrain from engaging in such inappropriate acts. This booklet is distributed to Japanese overseas travelers at prominent locations, including travel companies and passport offices. On a related note, the National Police Agency held the “10th Seminar on Measures against Commercial and Sexual Exploitation of Children in Southeast Asia” in November 2011 to expand and enhance investigative cooperation for offenses committed outside the country in Southeast Asia.

60. From the perspective of a crackdown on transnational crimes, Japan has enhanced bilateral cooperation on its measures to combat trafficking in persons. In November 2011, Japan dispatched a Government Delegation on Anti-Human Trafficking Measures to the Philippines, where many female victims of trafficking in persons originate and are protected in Japan every year. The delegation had consultations with government organizations of the Philippines and the office of IOM (International Organization for Migration) in the Philippines, etc. on measures to combat trafficking in persons in Japan and the Philippines, and effective cooperation systems to prevent cases of trafficking in persons.

#### **E. Measures to eliminate discrimination based on sexual orientation and gender identity (subparagraph 11)**

61. In Japan, with the entry into force in July 2004 of the Act on Special Provisions for Handling People with Gender Identity Disorders, people with gender identity disorder may now change their gender in family registers. The 2008 revision to the Act has relaxed requirements for the change of gender by people with gender identity disorder from “the person has no child at present” to “the person has no minor child at present.”

62. The Third Basic Plan for Gender Equality 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.”

63. The Human Rights Organs of the Ministry of Justice regard the issues of sexual orientation and gender identity disorders as a part of issues that needs to be addressed and

are carrying out throughout the year various awareness-raising activities, including seminars or distribution of pamphlets all over the country. Furthermore, in case a human rights infringement such as harassment for sexual orientation or gender identity disorder is suspected through the course of human rights counseling, etc. the organs investigate it as a human rights infringement case and take appropriate measures in cooperation with the concerned organizations.

64. The Government of Japan believes that any violation of human rights due to sexual orientation or gender identity should not be tolerated, and therefore signed as a member of the core group the statement on sexual orientation and gender identity adopted by the General Assembly of the United Nations at its 63rd session in 2008.

65. At the 16th session of the Human Rights Council held in 2011, Japan participated in the joint statement calling for an end to criminalization and violence against people because of their sexual orientation and gender identity, and supported the resolution concerning “human rights, sexual orientation and gender identity” at the 17th session of the Human Rights Council. Japan will continue to participate in related discussions organized by the United Nations.

## **F. Protection of the human rights of persons with disabilities**

### **1 Revision of the Basic Act for Persons with Disabilities**

66. For the purpose of advancing intensive institutional reforms including improvements of relevant domestic law necessary for the conclusion and implementation of the Convention on the Rights of Persons with Disabilities, the Government has set up a Ministerial Board for Disability Policy Reform, which is comprised of all cabinet ministers. In addition, the Government, considering the necessity of a mechanism to collect the opinions of persons with disabilities and to reflect these in domestic policies, convened a Committee for Disability Policy Reform (the “Committee”) under this Ministerial Board to discuss matters concerning the promotion of policies for persons with disabilities. More than half of the panels of the Committee are persons with disabilities and family members of persons with disabilities.

67. Based on the discussions of the Committee, a roadmap for reforms was approved by a Cabinet decision in June 2010. Major milestones listed in this roadmap were to revise the Basic Act for Persons with Disabilities and to start a study on the introduction of legislation to prohibit discrimination against persons with disabilities. In July 2011, the Basic Act for Persons with Disabilities was revised to include provisions consistent with the purpose of “reasonable accommodation” specified in the Convention. The revised Act provides for the establishment of the Commission on Policy for Persons with Disabilities which monitors the Basic Plan for Persons with Disabilities and, if necessary, submits recommendations to the Ministers concerned through the Prime Minister. As of July 2012, the Government of Japan had held discussions on the introduction of legislation to prohibit discrimination against persons with disabilities.

### **2 Welfare and medical care**

68. The Services and Supports for Persons with Disabilities Act provides necessary welfare services such as work support for persons and children with disabilities to enable them to be active and independent in their daily lives. With the aim of enhancing support to the disabled based on the examinations made by the Ministerial Board for Disability Policy Reform, etc., the “General Support for Persons with Disabilities Act” passed in the 180th session of the Diet. The General Support for Persons with Disabilities Act expands the definition of persons with disabilities to include persons suffering from incurable diseases

and other persons. The Act aims at creating a system by which persons with disabilities can live without uneasiness in local communities through various initiatives such as the expansion of visiting care for persons with severe disabilities as part of welfare service for persons with disabilities, the integration of “care homes” into “group homes,” and the enhancement of local life assistance projects implemented by municipalities with the addition of development of sign language interpreters, etc.

69. For persons with disabilities, partial or full subsidies are given for medical expenses under Japan’s health care system supporting independence. For persons with a mental disorder, appropriate medical treatment and protection with consideration for their human rights is provided under the Act Related to Mental Health and Welfare of Persons with Mental Disorders.

### **3 Education**

70. “Special Needs Education” is education for children with disabilities, in consideration of their individual educational needs, which aims at the full development of their capabilities and at their independence and social participation. Special Needs Education is carried out in various forms, including in special support services in resource rooms, special classes (both in elementary and lower secondary schools), and schools for Special Needs Education. Home-bound or hospital-bound education is also available for students who have difficulty in attending school due to their disability.

71. For students with disabilities, all national, public and private higher education institutions are encouraged to give special consideration for their admission and support is offered for students’ living needs.

72. The Open University of Japan provides distance education through the effective use of various media, including TV and radio. As of October 2011, when CS broadcasting was changed to BS digital broadcasting, the Open University of Japan has been able to provide close-captioned programs.

### **4 Barrier-free**

73. Under the Act for Promoting Easily Accessible Public Transportation and Facilities for the Aged and the Disabled (Barrier-Free Act) which was established to help achieve a universal society where all people, including older persons and persons with disabilities, can live in comfort, the barrier-free goals to be achieved by 2010 were established. As of the end of FY 2010, progress towards the goal of ensuring no barriers in train stations (the daily average number of incoming and outgoing passengers is 3,000 or more) by 2010 was at 85.4%, and the goal of having about 30% of buses as non-step buses by 2010 was at 27.9%, showing firm progress towards these goals.

74. In March 2011, higher barrier-free goals to be achieved by the end of FY 2020 were established to further improve barrier-free facilities. Various awareness-raising activities are also being conducted to ensure, through the promotion of a “barrier-free mind,” the recognition of each citizen of the difficulties faced by older persons, etc.

## **G. Protection of human rights of foreigners**

### **1 Revision of the Immigration Control and Refugee Recognition Act**

75. The Act to Partially Revise the Immigration Control and Refugee Recognition Act and others was enforced from July 9, 2012, and the Alien Registration System was abolished. Under the new residency management system, the Minister of Justice can determine the residence of foreigners who stay in Japan for a mid-to-long term more

accurately. The period of stay granted with each visa is a maximum of five years. If a foreigner leaves Japan and re-enters within one year during his or her period of stay, he or she is no longer required to acquire a re-entry permit, in principle.

76. The Minister of Justice now issues a special permanent resident certificate to special permanent residents. Special permanent residents are not required to carry the certificate at all times.

## **2 Treatment of applicants for refugee status (subparagraph 20)**

77. Based on the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and other relevant human rights treaties, Japan is making efforts to appropriately operate a system for refugees to file objections.

78. Article 53 (3) of the Immigration Control and Refugee Recognition Act provides that the destination to which a person is deported shall not include countries specified in Article 3 (1) of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and in Article 16 (1) of the International Convention on the Protection of All Persons from Enforced Disappearance.

79. Article 61-2.6 (3) of the Immigration Control and Refugee Recognition Act provides that deportation shall be suspended for those who are applying for recognition of refugee status by respecting the spirit of Article 33 of the Convention Relating to the Status of Refugees. As for those whose applications for recognition of refugee status has been rejected, resulting in a legal appeal, Japan makes decisions on matters such as the timing of deportation on a case-by-case basis with due consideration of the right of access to the courts and based on trial proceedings and other elements.

## **3 Proper operation of immigration centers (subparagraph 21)**

80. In July 2010, the Immigration Bureau of the Ministry of Justice established the "Immigration Detention Facilities Visiting Committee" 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.

81. The committee members observe immigration detention centers and other facilities and interview detainees, etc. Further, they present their opinions concerning the management of the facilities to the directors of detention centers. The immigration detention centers and other facilities then take necessary measures. The Minister of Justice publicizes the outline of these activities every year as a way to ensure transparency of treatment, and improve management, at the facilities.

82. In September 2010, Immigration Bureaus and the Japan Federation of Bar Associations agreed to establish a forum to discuss measures to realize more preferable conditions in relation to various issues concerning detention in immigration control administration. Following the consent of discussion, for example, free legal counseling is provided by attorneys to detainees. At Higashi Nihon Immigration Centre and others, free legal consultation service over the telephone or meeting is already provided on a regular basis.

83. To ensure transparency internationally, Japan accepted the visit to immigration detention facilities of the Special Rapporteur on trafficking in persons, especially in women and children, of the United Nations Human Rights Council in July 2009, and of the Special Rapporteur on human rights of migrants of the United Nations Human Rights Council in March 2010.



## **H. Current status of recent policies relating to the Ainu people (subparagraph 19)**

84. After the General Assembly of the United Nations adopted the “Declaration on the Rights of Indigenous Peoples” in September 2007, the Diet adopted unanimously, in June 2008, a resolution calling for recognition of the Ainu as an indigenous people. In response to this, the Government of Japan released a Chief Cabinet Secretary discourse recognizing that the Ainu are indigenous to the northern part of the Japanese Archipelago, especially Hokkaido, and have a unique language as well as religious and cultural distinctiveness.

85. In July 2009, a report on future Ainu policies was compiled by the Advisory Council for Future Ainu Policy, which includes an Ainu representative. The report proposed the basic principles of future Ainu policies and other broad measures, consistent with the actual conditions of the Ainu people and Japan, by referring to the UN declaration and the Constitution of Japan. Based on these proposals, meetings of the Council for Ainu Policy Promotion (chaired by the Chief Cabinet Secretary), which also includes several Ainu members, have been held since January 2010 in order to comprehensively and effectively promote Ainu policies.

86. To embody the aforementioned proposals of the Advisory Council, the Council for Ainu Policy Promotion is continuing discussions through working groups, particularly on three major topics: the development of the “symbolic space for ethnic harmony” as a national center for the renaissance of Ainu culture, nationwide policy implementation, and promotion of public understanding.

## **I. Protection of human rights on the Internet (subparagraph 25)**

87. With the spread of the Internet, various problems related to human rights, including defamation of individuals, invasion of privacy, and expression encouraging discrimination have arisen amid the anonymous and easy transmission of information.

### **1 Activities of the ministries concerned**

88. The Human Rights Organs of the Ministry of Justice take appropriate measures in response to infringements of human rights of other persons, such as defamation and invasion of privacy, on the Internet. Specifically, the Organs request the providers, etc. to remove the infringing information and, if the sender/poster is known, attempt to persuade the sender/poster to remove the information by raising his/her awareness of human rights.

89. The Organs regard the issue of human rights infringements on the Internet as one of the issues that needs to be addressed and are carrying out throughout the year all over the country, various awareness-raising activities, including seminars, distribution of pamphlets, showing promotion videos on human rights to junior high school and high school students and their parents, and lending these videos to the general public, so that many persons may deepen their understanding of this issue.

90. The Ministry of Internal Affairs and Communications makes efforts to support appropriate operation of the “Act in the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders.” This Act gives conditions for limiting liability for damages in cases in which providers or bulletin board managers delete, or do not delete, information infringing human rights on the Internet, including incidents of slander, and prescribes the right of the victim to demand the disclosure of identification information of the sender of the information infringing human rights. Telecommunications carrier organizations have also established various relevant guidelines. Providers and bulletin

board managers have taken action in a legally appropriate manner against information infringing human rights on the Internet based on these guidelines.

## **2 Measures against child pornography**

91. The Government of Japan established the “Comprehensive Measures to Eliminate Child Pornography” in 2010, and has been promoting a public movement to eliminate child pornography and measures to prevent damage, including development of an environment that provides safe and secure Internet use for young people.

92. Recently, in order to prevent that the children suffer from sexual abuses by visiting community sites and other sites via mobile phones, the Government of Japan is working on awareness-raising to enhance the recognition of the potential risks of such websites and further promoting the filtering services in collaboration with mobile operators and other relevant actors.

93. As part of measures to prevent distribution of and access to images of child pornography on the Internet, Internet service providers, etc, have voluntarily begun since April 2011 measures to prevent access to such images (blocking) based on information provided by the body to prepare and manage address lists of websites containing child pornography. The Government of Japan has been promoting measures to prevent distribution of and access to images of child pornography on the Internet, including making the necessary environmental arrangement toward voluntary introduction of effective blocking.

## **V. Key national initiatives and commitments**

### **A. National human rights policies**

94. Upholding the highest standards of human rights enshrined and guaranteed in the Constitution of 1947, Japan has consolidated its democratic political systems and has developed policies for the promotion and protection of human rights and fundamental freedoms as universal values.

95. In line with the obligations stipulated in the international human rights instruments to which Japan is a party, all relevant government ministries and agencies continue to promote and protect human rights in various domestic fields. Japan will continue to follow up on the accepted recommendations in the UPR and recommendations it has received from human rights treaty bodies, and will continue to further enhance its dialogue with civil society, including non-governmental organizations and to implement policies and measures in order to enhance the promotion and protection of human rights of women, children and persons with disabilities who are socially vulnerable.

### **B. Cooperation at the United Nations**

#### **1 Japan’s contributions**

96. The role of the Human Rights Council has become increasingly important in ensuring that human rights are protected and promoted in the international community. Japan, which attaches great importance to universal values, including human rights and democracy, has been actively engaged in the activities of the Human Rights Council as a member from its establishment to June 2011 and now as an observer. Japan again stood for election in 2012 in order to actively and continuously contribute to the Human Rights Council.

97. Japan has actively contributed to discussions on the promotion of human rights at the United Nations, including submission of resolutions at the Third Committee of the UN General Assembly.

98. At the fifty-sixth session of the Commission on the Status of Women, one year after the Great East Japan Earthquake in March 2011, Japan submitted a resolution titled “Gender Equality and the Empowerment of Women in Natural Disasters,” which was adopted unanimously. The resolution was aimed at sharing Japan’s experiences and lessons learned from the earthquake with other countries, to help deepen the understanding of the international community on various issues related to natural disasters and women, and to promote more gender-sensitive approaches to disasters.

## **2 Initiatives to eliminate discrimination against persons affected by leprosy**

99. As for discrimination against persons affected by leprosy, Japan has been taking the lead in the global initiative by conducting activities that draw on its experience. Japan proposed the draft resolution of the “Elimination of Discrimination against Persons Affected by Leprosy and Their Family Members” for three consecutive years from 2008, which was unanimously adopted by the Human Rights Council. In 2010, the General Assembly unanimously adopted a resolution proposed by Japan with the aim of solving problems of bias and discrimination based on misconceptions and misunderstanding of leprosy, which calls for Member States to pay due regard to the “Principles and Guidelines for the Elimination of Discrimination against Persons Affected by Leprosy and Their Family Members”.

100. Recognizing the importance of disseminating and promoting these Principles and Guidelines, the Government of Japan decided to extend the term of the delegation for the Goodwill Ambassador for the Human Rights of People Affected by Leprosy by an additional two years in April 2011, and is continuing to address issues of leprosy in cooperation with this Goodwill Ambassador.

## **3 Extension of a standing invitation (subparagraph 4)**

101. Japan attaches great importance to the principle of dialogue and cooperation in promoting human rights diplomacy. The Special Procedures of the Human Rights Council are an important means of promoting human rights through dialogue with various countries. Japan considers Special Procedures, which work in complement with the UPR, indispensable for responding to grave human rights violations in the international community. For this reason, Japan has cooperated fully with the Council.

102. In March 2011, Japan pronounced a standing invitation to Special Procedures. The Special Rapporteur on the right of health will visit Japan in November 2012. In 2010, Japan accepted the visit of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea (also in 2011 and 2012), the Special Rapporteur on the rights of migrants, and the Independent Expert on the issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation.

## **C. Contributions to the international community**

103. It is important that human rights and fundamental freedoms are guaranteed as universal values in all countries and regions. Considering that each country has its own history, traditions, etc., Japan has been contributing to the improvement of human rights situations through dialogue and cooperation.

### **1 Contributions through bilateral human rights dialogues**

104. In addition to multilateral approaches at the United Nations, etc., Japan holds bilateral human rights dialogues as part of basic dialogue and cooperation. Japan has held dialogues with countries, including the EU, Iran, China, Cambodia, Egypt, and Sudan, in which frank opinions were exchanged to deepen mutual understanding. Japan will continue to contribute to the promotion and protection of human rights by utilizing the opportunities of human rights dialogues.

### **2 Financial contributions (subparagraph 24)**

105. In 2010, Japan's bilateral ODA commitments reached US\$444.14 million for health and welfare, US\$1,658.11 million for gender equality and US\$380.53 million for peace-building. In FY 2010, disbursements for measures for persons with disabilities amounted to US \$181.76 million.

106. Also, Japan has been cooperating in, and contributing to, activities related to human rights by UN organizations such as OHCHR, UNICEF and UN Women. In 2010, Japan contributed approximately US\$175.05 million to UNICEF, as the world's fourth largest donor to the organization.

107. Japan, as the top Asian donor to the OHCHR, will continue to support its activities including by making voluntary contributions.

### **3 Contributions through initiatives aimed at achieving the Millennium Development Goals (MDGs) (subparagraph 24)**

108. The Millennium Development Goals (MDGs) were established based on the UN Millennium Declaration, which set the agenda to include human rights and good governance, development and poverty eradication, and peace and security. The international community should work together to achieve the MDGs to create a better world. Japan values the importance of the MDGs.

109. In March 2011, Japan experienced an unprecedentedly devastating earthquake and tsunami. Despite severe fiscal pressures, Japan is committed to being actively engaged in international cooperation. Even after the Great East Japan Earthquake, Japan has been steadily implementing its existing commitments, such as the Kan Commitment announced in September 2010 for the achievement of the MDGs, which includes US\$5.0 billion for health and US\$3.5 billion for education over the five years starting from 2011. Also under partnership with the Bill & Melinda Gates Foundation, Japan has introduced a new innovative approach for national immunization campaign against polio in Pakistan. This is the first cooperation of its kind to mobilize funding from a private foundation through Japanese ODA loan. In June 2011, three months after the occurrence of the catastrophic earthquake, Japan held the MDGs Follow-up Meeting in Tokyo. Also on the occasion of the General Assembly of the United Nations held in September that year, Japan led a ministerial-level side event on the MDGs. Thus Japan has been contributing to the acceleration of efforts to achieve the MDGs by 2015 and will continue to play a leading role, both in specific assistance and in international discussions and activities, in order to achieve the MDGs.

110. However, there is a risk that one or more large-scale natural disasters which have been frequently occurring around the world could severely impact the efforts for the attainment of the MDGs and achievement of other development efforts. Japan has been continuing to attach great importance to the concept of human security which promotes protection and empowerment of individuals to enable them to realize their full potential. It is essential to create an inclusive and disaster-resistant society based on human security. Japan believes that it is necessary to consolidate the "mainstreaming of disaster reduction".

In other words, disaster reduction should be taken into consideration in decision-making at all national, local and community levels. With the aim of introducing such ideas to the international community, Japan hosted the World Ministerial Conference on Disaster Reduction in the Tohoku region in July 2012, and strong messages including those ideas were delivered to all over the world.

## **VI. Conclusion**

111. From the perspective of protection and promotion of human rights in all countries, the UPR is a useful means for each country to retrace its domestic human rights situation and to improve it through an exchange of opinions at home as well as dialogues with other countries. Japan has been placing importance on the UPR and making efforts to enhance its effect. Japan will continue to work toward the improvement of the operation of the UPR, while assuring its effectiveness.

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