

## Responses to Recommendations

### JAPAN

Review in the Working Group: 9 May 2008

Adoption in the Plenary: 12 June 2008

#### Japan's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
No response, all pending	14 REC accepted; 2 rejected; 11 were commented but no clear position was given	No additional information provided	None	Accepted: 14 Rejected: 2 No clear position: 11 Pending: 0

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/8/44:

“60. In the course of the discussion, the following recommendations were made to Japan:

- 1. Consider ratifying/Ratify the First Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Albania), the Optional Protocol to the Convention against Torture (United Kingdom, Albania, Mexico, Brazil) the Optional Protocol to the Convention on the Elimination of Discrimination against Women (Portugal, Albania, Mexico, Brazil), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Peru), the Convention on the Rights of Persons with Disabilities (Mexico), the International Convention on the Protection of All Persons from Enforced Disappearance (Albania), the Hague Convention on Civil Aspects of International Child Abduction, 1980 (Canada, Netherlands); as well as to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider individual complaints (Mexico, Brazil);  
 - Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);
- 2. Implement the calls by, inter alia, 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 (Algeria); Finalize the legislation needed to establish a national human rights institution in accordance with the Paris Principles (Canada); Establish the national human rights institution (Mexico); Continue efforts to establish a national institution in accordance with the Paris Principles (Qatar);

- 3. Set up an independent mechanism for investigating complaints of violations of human rights (Islamic Republic of Iran);
- 4. Issue a standing invitation to the special procedures of the Human Rights Council (Canada, Brazil);
- 5. Respond sincerely to the recommendations of the United Nations mechanisms (Special Rapporteur on violence against women, the Committee on the Elimination of Discrimination against Women and the Committee against Torture) on the issue of “comfort women” during the Second World War (Republic of Korea);
- 6. Adapt national legislation to bring it into line with the principles of equality and non-discrimination. (Slovenia); Consider establishing legislation defining and prohibiting discrimination in all forms (Brazil); Consider introducing a definition of discrimination in its criminal law (Guatemala); Adopt, as a matter of urgency, a national law against racism, discrimination and xenophobia (Islamic Republic of Iran);
- 7. Repeal all legal provisions that discriminate against women (Portugal); and 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 (France);
- 8. Address the problems faced by women belonging to minorities (Germany);
- 9. Take measures to eliminate all forms of discrimination against Koreans in Japan (Democratic People’s Republic of Korea);
- 10. Take immediate measures to address the situation of the continued distortion of the history in Japan, since this is indicative of the refusal to address past violations and the danger of its reoccurrence, and recommended immediate measures to address the situation, as also called for by the Special Rapporteur on contemporary forms of racism (Democratic People’s Republic of Korea);
- 11. Take measures to eliminate discrimination based on sexual orientation and gender identity (Canada);
- 12. Review urgently the use of death penalty with a view to a moratorium and abolition (United Kingdom); Not carry out the death penalty and re-apply a moratorium on executions with a view to abolishing the death penalty in accordance with the resolution adopted in this regard by the General Assembly (Luxembourg); Establish a moratorium on executions with a view to abolishing the death penalty (Portugal); Examine as a priority the introduction of a formal moratorium on the death penalty (Albania); Reconsider the establishment of a moratorium on the use of the death penalty (Mexico); Join the large number of States that have adopted a moratorium on executions or abolished the death penalty (Switzerland); Respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, to progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed, and establish a moratorium on executions with a view to abolishing the death penalty (Italy); Add the possibility of a life sentence without parole to the range of penalties for heinous crimes and consider the abolition of the death penalty (The Netherlands); Support the previous interventions about the abolition of the capital punishment in Japan (Turkey);
- 13. Ensure that the interrogation of detainees in police custody are systematically monitored and recorded and that the Code of Criminal Procedure is harmonized with article 15 of the Convention against Torture and article 14, paragraph 3, of the International Covenant on Civil and Political Rights, and uphold the right of defence to have access to all relevant materials (Algeria); (i) Work more systematically and intensively to bring the risk of forced confession to the attention of the police, (ii) review interrogation monitoring procedures, (iii) re-examine the use of prolonged police detention and (iv) review the Criminal Code to ensure its conformity with article 15 of the Convention against Torture, in order to avoid the police and judiciary putting excessive pressure on the accused to confess (Belgium); Institute mechanisms to enhance procedural guarantees for the detention of detainees (Canada); Review the “daiyo kangoku” system in order to ensure that the detention procedure is consistent with its obligations under human rights law and implement the Committee against Torture’s recommendation with regard to external monitoring of police custody (United Kingdom);

- 14. Continue to take measures to reduce the incidence of violence against women and children, inter alia, by ensuring that law enforcement officials receive human rights training, and to fund recovery and counselling centres for victims of violence (Canada);
- 15. Continue the efforts to combat trafficking in persons with a special emphasis on women and children (Canada);
- 16. 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 (Canada);
- 17. Prohibit expressly all forms of corporal punishment of children and promote positive and non-violent forms of discipline (Italy);
- 18. Take concrete measures to address, once and for all, the Japanese Military Sexual Slavery and other violations committed in the past in other countries including Korea (Democratic People's Republic of Korea);
- 19. Review, inter alia, the land rights and other rights of the Ainu population and harmonize them with the United Nations Declaration on the Rights of Indigenous Peoples. (Algeria); Urge Japan to seek ways to initiating a dialogue with its indigenous peoples so that it can implement the United Nations Declaration on the Rights of Indigenous Peoples (Guatemala);
- 20. 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 (Algeria);
- 21. Permit international monitors to examine immigration detention centres (United States of America);
- 22. Establish an independent body to review asylum applications (Slovakia);
- 23. Abolish the system established to call upon citizens to denounce anonymously, on the Ministry's website, migrants suspected of being in an irregular situation (Guatemala);
- 24. 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 the Millennium Development Goal 8 (Bangladesh);
- 25. Share its experience with other States, on protecting human rights in the context of their violation on the Internet (Poland);
- 26. Fully involve civil society in the follow-up to the UPR process at the national level (United Kingdom); and systematically and continually integrate a gender perspective in the follow-up process to the review (Slovenia).

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