

JFBA/24/17
28 March, 2017
Japan Federation of Bar Associations

United Nations
Office of High Commissioner for Human Rights

**Written Information Submitted for the Summary of
the Human Rights Situation in Japan to be
Prepared by the United Nations Office of High
Commissioner for Human Rights**

Japan Federation of Bar Associations

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I Background and Framework

1. No satisfactory consultation with civil society was held for the UPR process.¹

A. Scope of international obligations

2. The Government has made no progress in considering the acceptance of individual communications.² It has neither ratified the ILO Discrimination Convention (No.111) nor signed the Second Optional Protocol to the ICCPR³, or the ICRMW⁴.

B. Constitutional and legislative framework

3. Treaties concluded are incorporated in domestic laws and become effective (Constitution, Article 98(2)), but the courts' direct or indirect application is extremely limited.

4. Under procedural laws, violation of international treaties does not constitute grounds for final appeal to the Supreme Court⁵, and thus is not subject to review by it.

C. Institutional human rights infrastructure and policy measures

1 NHRI⁶ and IHRL training

5. The Government has not established an NHRI in accordance with the Paris Principles.⁷ A bill to establish a human rights commission remains quashed since 2012.

6. The Government should urgently establish an NHRI.

7. No satisfactory education or training on international human rights law is provided for the judiciary or law enforcement agencies.

2 Business and human rights

8. The Government has yet to adopt a national action plan on business and human rights. It finally announced in 2016 its commitment to formulate the NAP but without setting a target deadline.⁸

9. Business activities by Japan-based multinational corporations in countries with inadequate human rights legal schemes or operations through supply chains may lead to human rights violations. The Government should immediately adopt a NAP pursuant to the UN guidance.⁹

II Promotion and protection of human rights

A Cooperation with human rights mechanisms

10. The Government is reluctant to fulfill various treaty bodies' recommendations, stating that it has no obligations to observe non-legally-binding recommendations.¹⁰ Also, despite its standing invitations, the Government cancelled the scheduled visit of the Special Rapporteur on freedom of expression at the last minute in 2015.¹¹

B Implementation of international human rights

1 Equality and non-discrimination

a Women

11. No domestic law comprehensively prohibits discrimination against women. There are discriminatory laws, including the difference in marriageable age (18 for men and 16 for women), the same surname for a married couple (women are forced to change their surname due to substantial social pressure),¹² and a 100-day prohibition period only for women's remarriage.¹³
12. 23.7% of women have experienced spousal violence.¹⁴ The revised anti-domestic violence law (2013) only applies to cohabitant couples.¹⁵
13. Pornography is left to the industry's self-regulation,¹⁶ leaving the actual situation of victims unclear. The sex industry and indecent crime increase on the Internet.¹⁷ The penal sanction against prostitutes remains.¹⁸
14. Effective remedies should be implemented for the comfort women issue.¹⁹
15. Women in leadership positions such as politicians (central and local) and professors are extremely rare.²⁰ The Government decreased the target ratio for female leaders.²¹ No statutory quota system or other temporary special measures are in place.²²

b. LGBT

16. No law prohibits discrimination based on sexual orientation and gender identity. Policies on suicide prevention, social inclusion and others²³ only require consideration rather than concrete measures for sexual minorities. Children are bullied due to inadequate education.²⁴ Many face forced resignation or dismissals from the workplace.²⁵

c. Discrimination against ethnic, Buraku and religions minorities.

17. A comprehensive anti-racial discrimination legal system is not yet developed.²⁶ Racial discrimination based on foreign origin, including refusal to rent and in recruitment and

employment remains.²⁷

18. The Government should enact a law prohibiting racial discrimination and providing a framework for national and local governments to eliminate discrimination, as well as regularly conduct surveys on actual situations.
19. Discriminatory systems against Koreans in Japan remain,²⁸ such as exclusion of the elderly and PWDs²⁹ from pension coverage, or exclusion of Korean schools from the high-school tuition-free program starting 2010. MEXT³⁰ suggests local governments should stop subsidizing Korean schools.³¹
20. Hate speech mainly targeting Koreans has been rampant. The Act on hate speech (2016) only set out guiding principles and lacks prohibition provisions, but should prohibit hate speech based on race, color, descent, national/ethnic origin or nationality. The current law only covers persons originating from outside Japan and their descendants “who are lawfully residing in Japan.”³² This limitation violates the CERD general recommendation No. 30,³³ and should be removed.
21. Discrimination against Burakumin remains in employment, marriage, and housing, etc. Family registration continues to be illegally accessed for discriminatory purposes. Racist groups repeatedly conduct discriminatory propaganda activities around Buraku areas,³⁴ and incitement of discrimination is still rampant on the Internet.³⁵
22. The police collected detailed personal information of Muslims in the name of counterterrorism.³⁶ The Government should provide human rights education for law-enforcement officials, and prohibit ethnic and religious profiling.

d. Indigenous peoples

23. The Government should implement comprehensive measures incorporating social, cultural, political, and educational perspectives, considering the Ainu’s history as an indigenous people.³⁷

2 Rights to life, liberty and security of the person

a. Death penalty, detention, and interrogations

24. The amended Code of Criminal Procedure (2016) only addresses few concerns indicated in the previous UPR. Neither pre-indictment bail nor an equivalent measure has been introduced.

25. The Government has neither abolished the death penalty by reason of public opinion nor suspended executions. 48 people have been executed from the first UPR (2008). Treatment of death row inmates has not changed: notice of execution delivered immediately before execution date, discretionary decision by heads of institutions over communication with outside, including prison officers' presence during meetings with lawyers.³⁸
26. The CAT³⁹ pointed out an extensive use of solitary confinement.⁴⁰
27. The substitute prison system has not been reviewed.⁴¹ No independent body examines human rights violation in police cells. Lawyers cannot be present during interrogations.
28. Interrogations are occasionally prolonged or continue after indictment by arresting on minor offences, or by separating charge, allowing 23-day-pre-indictment detention for each charge.⁴²
29. While the new system⁴³ requires audio/video recording for "the entire process" of interrogation of those in custody for certain cases,⁴⁴ it applies only for 2-3% of all cases. Recording is not mandatory for interrogations before arrest, which are in practice involuntarily conducted. Although electromagnetic recording is increasing in practice, the case selection is left to investigative authorities. It should serve as proving admissibility of the evidence (i.e., voluntariness of confession), but the Prosecutors Office issued a notification to promote the use of recording media for substantial evidence to prove corpus delicti.

b. Bullying, corporal punishment, and abuse of children

30. Children's suicide resulting from bullying never stops.⁴⁵ Despite the measures stipulated, the Act of 2013⁴⁶ fails to identify and address the causes of bullying, and rather focuses on the treatment of a "perpetrator" through guidance, disciplinary action, and reporting to the police.⁴⁷
31. Child abuse which resulted in death, including murder-suicide, amounted to 71 in FY2014.⁴⁸
32. The Government should prohibit in its legislation corporal and other cruel or degrading punishment in all environments including at home, and remove Article 822 (right to discipline a child) of the Civil Code,⁴⁹ as well as raise awareness in this regard.

c. Great East Japan Earthquake and Fukushima nuclear crisis

33. Little progress has been made in the restoration and reconstruction after the earthquake and the Fukushima disaster.⁵⁰ The Government's plan on lifting evacuation orders⁵¹ by March 2017 based on the annual dose of 20mSv or less is closely related to termination of the assistance and compensation payments for evacuees.⁵²⁵³ For protecting health of residents, the Government should carefully lift evacuation orders considering actual conditions of designated areas, and the radiation level (annual and additional) should be 1 mSv or less for such lifting. Assistance and TEPCO⁵⁴'s compensation should not be terminated uniformly without considering individual damages.⁵⁵
34. The Government allows resuming operation of nuclear power plants without adequate evaluation of their safety.⁵⁶ Moreover, the NRA⁵⁷ approved the extension of the operating period from 40 years to 60 years, thereby permitting the activation of aging reactors.⁵⁸ The Government should change the existing energy policy and phase out the use of nuclear plants as promptly as possible.⁵⁹

d. Right to Environment

35. As the right to enjoy favorable environment and to participate in policy-making is not guaranteed, unsustainable development is conducted without proper procedures or environmental consideration.⁶⁰

3 Administration of justice and rule of law

36. The newly legislated judicial bargaining is different from "plea bargaining" in that it applies to certain crimes committed by others (targets).⁶¹ This process of negotiation and agreement is not required to be audio/video recorded, which carries the risk of a wrongful conviction of a targeted person.

4 Right to privacy

37. The new Social Security and Tax Number System (2013) shows that centralized management of personal information by the Government and companies may present a grave threat to the right to privacy.⁶²
38. The revised Act on Wiretapping for Criminal Investigation expands its scope. The revision also enables the police to intercept and self-manage recording media, temporarily excluding the involvement of telecom operators. The police's conduct without legislation includes secretly collecting individual's position without court

warrants, and random collection of face images for quantified facial features data. The expanded use of surveillance cameras and getting position information⁶³ are conducted through revisions of guidelines, but strict standards should be legislated.

5 Freedom of expression and right to participate in public/political life

a. Freedom of expression

39. The State Secrecy Law⁶⁴ entails serious risks of a chilling effect on journalists and civil activists,⁶⁵ jeopardizing the freedom of expressions and the right to access to information.⁶⁶ The Government should repeal the law or fundamentally review it pursuant to international standards.⁶⁷
40. The Minister⁶⁸ stated in 2016 that the Government can suspend broadcasters' operations if a TV program is not deemed "politically neutral," followed by the release of the Government's view based on this. Any action based on this view infringes on the freedom and independence of the media. As the Special Rapporteur noted,⁶⁹ the Government should respect autonomous regulation by broadcasting operators.⁷⁰
41. With the lowering of the minimum voting age, MEXT³⁰ issued the notification and Q&A which enables high schools to extensively restrict political activities by students.⁷¹ Such restriction on the freedom of expression should meet the strict necessity and proportionality standard.

b. Rights to vote and to hold public office for permanent foreign residents

42. Suffrage for both national and local elections is limited to Japanese nationals.⁷² Considering their historical backgrounds and status quo, permanent foreign residents⁷³ including those from the former colonies should be guaranteed the right to vote at least in local elections.⁷⁴
43. The Government and the Supreme Court supported the policy that foreigners shall not be appointed to local government positions to wield public authority, or to be involved in policy making.⁷⁵ Consequently, permanent residents, including those from the former colonies, are widely excluded from the right to work as government employees because of nationality, irrespective of the nature of the positions. These people should in principle be allowed to work as civil servants.
44. The courts should correct its discriminatory treatment including repeated refusal to appoint attorneys recommended by bar associations to conciliators and judicial

commissioners⁷⁶ on grounds of nationality, which is not a legislative requirement.⁷⁷

6 Rights to work and to fair and favorable working conditions

45. The minimum wage is relatively lower than in other advanced countries.⁷⁸ Many non-regular workers are forced to live around the minimum wage.⁷⁹ The number of non-regular workers, of which 68% are women,⁸⁰ increased to 40 % of total employment. Consequently, 45% of female non-regular workers earn less than one million yen per year.⁸¹ The Government should immediately take measures, including legislation to ensure the principle of equal remuneration for work of equal value, and establishing job evaluation based on international standards.⁸²
46. Gender pay gap has not been narrowed. The female ratio in managerial positions ranks in the lowest among the OECD countries.⁸³ The new Act (2015)⁸⁴ only promotes efforts by companies, failing to provide any specific measures. Prohibition of indirect discrimination is limited.
47. The average annual working hours (full-time) remain around 2,000 hours,⁸⁵ causing difficulty in sharing family responsibilities. About half of female workers are thus forced to resign when their first child is born.
48. Occupational accident claims⁸⁶ relating to excessive working-hours are increasing.⁸⁷ A draft amendment was submitted by the Government in 2015 to expand the discretionary working system,⁸⁸ but the working hour should not be deregulated without effective measures for prevention of excessive working-hours.⁸⁹
49. The law obliges employers to take necessary measures for preventing sexual harassment, but does not stipulate direct punishment.⁹⁰ Pregnant women are also susceptible to harassment.⁹¹
50. The Government does not conduct research on, or examine the value of, household labor/unpaid work, which is mainly assumed by women.

7 Social security and right to adequate standard of living

51. The tax and social security system is weak in redistribution of income, and does not adhere to the principle of affordable burden. The relative poverty rate has been exacerbated as high as 16.1% in 2012.⁹²
52. In particular, such rate of children reached 16.3% in 2012 (among single-parent households: 54.6%), indicating particularly weak social security⁹³ for single-mother

families.⁹⁴

53. The number of households living on welfare hit the highest as of March 2016, half of which are persons aged 65 and older.⁹⁵
54. The eligibility requirements became more restrictive for public assistance.⁹⁶ This violates the constitutional right to maintain the minimum standards of healthy and cultured living, affecting people with low income.⁹⁷
55. In addition to harsh name-calling toward welfare recipients from the public, administrative officials reportedly make people give up applying for the benefits. The take-up rate of public assistance⁹⁸ is 15.3% to 18%.⁹⁹

8 Right to health

56. No law stipulates patients' rights in Japan, including the rights to receive safe, quality medical care and to self-determination. Legislation should be enacted in order to solve medical access and self-determination issues.¹⁰⁰

9 Right to education

a. Human rights education

57. The Act of 2000¹⁰¹ does not mandate financial measures.¹⁰² Neither teaching qualification courses nor the curriculum guidelines of elementary to high schools incorporate human rights treaties or discrimination issues.¹⁰³

b. Educational system

58. The revised Act¹⁰⁴, which reinforces the Government's authority to be involved in local educational administration, poses risks to political neutrality of education.¹⁰⁵ The revised school textbook examination procedure (2014), which requires social studies textbooks to incorporate the Government's unified views, constitutes excessive intervention in education (violation of Article 26 of the Constitution), and may violate children's right to learn.¹⁰⁶
59. The amended school curriculum guidelines (2015), which introduced moral education as an official subject, may pose risks to children's freedom of ideology/conscience and right to learn.¹⁰⁷
60. MEXT³⁰'s new notice¹⁰⁸ and released resources for teaching guidelines¹⁰⁹ require high school teachers to refrain from "expression of personal views."¹¹⁰ This may violate

right to learn and freedom of education.¹¹¹

c. Minority languages and textbooks

61. The Government does not guarantee the right to learn native languages and cultures of minority children, including Koreans and the Ainu.¹¹²

10 Persons with disabilities

62. The Act¹¹³ fails to provide adequate remedies for violation of the rights of PWDs.¹¹⁴ An NHRI pursuant to the Paris Principles has not been established,¹¹⁵ despite Article 33(2) of the CRPD¹¹⁶ (ratified in 2014).
63. The Act does not require reasonable accommodation in judicial procedures. Private enterprises are merely required to make efforts to provide it.¹¹⁷
64. The current healthcare system allows excessive physical restraints and involuntary medication for mental disorders.¹¹⁸
65. The recent murder case of many PWDs (intellectual)¹¹⁹ indicates the perpetrator's strong discriminatory intention. The Government should strengthen measures to create an inclusive society/community and an educational system by eliminating prejudice and raising awareness.¹²⁰

11 Minorities and indigenous people

Please refer to 1.

12 Migrants, refugees, and asylum-seekers

a. Human trafficking and technical intern training program (TITP)

66. The review of TITP is recommended as it has been causing serious human rights violations continuously.¹²¹ The Special Rapporteurs indicated some situations in TITP amount to trafficking.¹²² The problems of TITP, i.e., an equal labor relation cannot be built structurally and unskilled laborers are used to alleviate labor shortage, remain despite the enactment of a new Act (2016)¹²³. The Government should examine the introduction of a system to accept unskilled laborers with appropriate human rights considerations, instead of depending on TITP.¹²⁴

b. Long-term detention and medical care system

67. Under the Immigration Control Act permitting indefinite detention by deportation orders, some people, including asylum-seekers are detained for over a year. The Government should improve the medical care by securing full-time doctors in detention facilities¹²⁵ and also avoid long-term detention by issuing more provisional release permits.

c. Refugees and asylum-seekers

68. The refugee recognition rates¹²⁶ are extremely low—1 to 3 % in last three years.¹²⁷ Based on international standards, an independent body, free from political and diplomatic considerations, should review the applications, instead of the Immigration Bureau of the MOJ^{128, 129}.

13 Internally-displaced persons

Please refer to 2c.

¹ Recommendation of the first UPR. A/HRC/8/44. 30 May 2008.

² Recommendation of the second UPR. A/HRC/22/14. 14 December 2012.

³ Refers to the International Covenant on Civil and Political Rights.

⁴ Refers to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

⁵ The Supreme Court is the highest in the tree-tiered system.

⁶ Refers to a national human rights institution.

⁷ Recommendation of the second UPR.

⁸ http://www.geneve-mission.emb-japan.go.jp/itpr_en/statements_rights_20161116.html
Statement by Ambassador Mitsuko Shino, the Permanent Mission of Japan to the International Organizations in Geneva, before the United Nations Forum on Business and Human Rights (16 November 2016).

⁹ JFBA. Opinion calling on the Government to formulate a national action plan relating to business and human rights. September 15, 2016.

<http://www.nichibenren.or.jp/activity/document/opinion/year/2016/160915.html>

¹⁰ On June 18, 2013, the Government approved at the Cabinet its statement that it is not required to observe the recommendations by the CAT which are not legally binding in response to a question by a Diet member. Furthermore, when NGOs demand the Government should fulfill recommendations issued by treaty bodies at discussions with citizens, government officials explain “state parties and treaty bodies share the same view that recommendations are not legally binding,” and “some recommendations are wrong or not enforceable in light of actual situations in Japan.”

¹¹ Intensely criticized by civil society, the Government withdrew the cancellation.

¹² On December 16, 2015, the Supreme Court upheld the constitutionality of the same surname system for married couples by majority on the ground that the issue should be brought to the Diet. However, five out of the fifteen judges expressed the opposition that the current system which practically forces women to change their surname is not founded on the individual dignity and the essential equality between men and women.

¹³ JFBA. Statement concerning the enactment of the Act for Partial Revision of the Civil Code to reduce the period of the remarriage ban. June 1, 2016

<http://www.nichibenren.or.jp/activity/document/statement/year/2016/160601.html>

¹⁴ Gender Equality Bureau Cabinet Office. Survey on violence between men and women (Summary). March 2015.

http://www.gender.go.jp/policy/no_violence/e-vaw/chousa/h26_boryoku_cyousa.html

¹⁵ The Act against Domestic Violence was amended in July 2013 to cover violence committed among non-married couples.

¹⁶ Gender Equality Bureau Cabinet Office. Responses to the List of Issues and Questions with regard to the consideration of the Seventh and Eighth Periodic Reports. Question 7.

http://www.gender.go.jp/international/int_kaigi/int_teppai/pdf/response_7-8_j.pdf

¹⁷ National Police Agency. White Paper on Police 2015. Chapter 2, Section 5.

https://www.npa.go.jp/hakusyo/h27/pdf/pdf/07_dai2syo.pdf

¹⁸ JFBA. Opinion calling for partial removal of the Penal Code, the Anti-Prostitution Act and other acts. June 21, 2013.

http://www.nichibenren.or.jp/activity/document/opinion/year/2013/130621_03.html

¹⁹ The victims can be found in various countries.

JFBA. President's Statement concerning the concluding observations by the Committee on the Elimination of Discrimination against Women. March 16, 2016.

http://www.nichibenren.or.jp/activity/document/statement/year/2016/160316_2.html

JFBA and Korean Bar Association. Proposals concerning final settlement of the issue of comfort women for the former Japanese army. December 2010.

http://www.nichibenren.or.jp/library/ja/opinion/report/data/101211_2.pdf

JFBA. Opinion calling for resolutions concerning organized rape and sex slavery during armed conflict at the HRC. March 16, 2000.

http://www.nichibenren.or.jp/activity/document/opinion/year/2000/2000_9.html

²⁰ World Economic Forum. The Global Gender Gap Report 2016.

<http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=JPN>

²¹ Originally, the Government aimed at increasing proportions of women in leadership positions in all fields to 30% by 2020, but revised those goals for each field in the Fourth Basic Plan for Gender Equality in 2015 to be more realistic.

Gender Equality Bureau Cabinet Office. Fourth Basic Plan for Gender Equality. Chapter 2 Basic direction of policies and details of measures, Section 2 Expansion of women's participation in the process of deciding policies and principles.

http://www.gender.go.jp/about_danjo/basic_plans/4th/pdf/2-02.pdf

²² Update Report on the List of Issues and Questions from The Committee on the Elimination of Discrimination against Women in Relation to the Combined Seventh and Eighth Periodic Reports of Japan. December 17, 2015.

²³ Such as the Basic Plan for Gender Equality.

²⁴ Ministry of Education, Culture, Sports, Science and Technology (MEXT). "Meticulous care and other measures for schoolchildren concerning gender identity disorders". April 30, 2015.

http://www.mext.go.jp/b_menu/houdou/27/04/1357468.htm

²⁵ Japanese Trade Union Confederation (*RENGO*). Survey of LGBT awareness at workplace - Japan's first survey mainly on non-LGBT people about their awareness of LGBT at workplace. August 25, 2016. <http://www.jtuc-rengo.or.jp/news/chousa/data/20160825.pdf>

²⁶ Recommendation of the second UPR.

²⁷ JFBA. Opinion Calling for Prompt Policies and Measures to be Taken toward the Eradication of Discrimination due to Race and Other Factors. May 7, 2015.

(English summary) <http://www.nichibenren.or.jp/en/document/opinionpapers/20150507.html>

According to a survey of foreign residents conducted by Shinjuku Ward, Tokyo, in 2007, 43.4% of foreign residents who answered the survey said that they hoped prejudice and discrimination would be eliminated. Also, a questionnaire of multinational residents conducted by Osaka City in 2009 found that over 30% of foreign residents in Osaka City who responded to the questionnaire have faced some forms of discrimination or have had unpleasant experience in housing and moving

in, and about 40% in job hunting and employment.

²⁸ As of the end of 2015, there are about 400,000 Korean residents in Japan with a permanent residence permit, out of which approximately 340,000 Koreans are those who were forced to reside in Japan when Japan occupied the Korean Peninsula in the early 20th century, and their descendants.

²⁹ Refers to persons with disabilities.

³⁰ Refers to the Ministry of Education, Culture, Sports, Science and Technology.

³¹ JFBA. Statement objecting the discontinuation of subsidies for Korean schools in Japan. July 29, 2016.

<http://www.nichibenren.or.jp/activity/document/statement/year/2016/160729.html>

³² Article 2 of the act states as follows: In this Act, “unfair discriminatory speech and behavior against persons originating from outside Japan” shall mean unfair discriminatory speech and behavior to incite the exclusion of persons originating exclusively from a country or region other than Japan or their descendants and who are lawfully residing in Japan (hereinafter referred to in this Article as “persons originating from outside Japan”) from the local community by reason of such persons originating from a country or region other than Japan, such as openly announcing the intention to harm the life, body, freedom, reputation or property of persons originating from outside Japan with the objective of encouraging or inducing discriminatory feelings against such persons originating from outside Japan.

³³ Refers to the Committee on the Elimination of Racial Discrimination.

³⁴ Nara District Court Case (wa) No. 686 (2011). Judgment by the Civil Division on June 25, 2012.

³⁵ JFBA. Report on Response to the Seventh, Eighth and ninth Report of the Japanese Government of the International Convention on Elimination of All Forms of Racial Discrimination (March 19, 2014).

(English) Page 76.

http://www.nichibenren.or.jp/library/ja/kokusai/humanrights_library/treaty/data/Racial_discriminati_on_en.7.8.9.pdf

³⁶ According to the Tokyo High Court judgement delivered on April 14, 2015, on a claim seeking the state's compensation with regard to the leakage of public security information. The Supreme Court turned down the plaintiff's final appeal on May 31, 2016.

³⁷ For other issues concerning the Council for Ainu Policy Promotion, which was established by the Government in 2009 for the promotion of the Ainu culture and research of their living conditions, please refer to paragraph 20 of the CERD recommendation in 2014 (CERD/C/JPN/CO/7-9).

³⁸ JFBA. Declaration Calling for Reform of the Penal System Including Abolition of the Death Penalty, adopted at the 59th JFBA Convention on the Protection of Human Rights on October 7, 2016.

(English) <http://www.nichibenren.or.jp/en/document/statements/year/2016/161007.html>

³⁹ Refers to the Committee against Torture.

⁴⁰ JFBA's brochure “What the Committee against Torture calls on the Japanese government for.”

http://www.nichibenren.or.jp/library/ja/kokusai/humanrights_library/treaty/data/UNC_against_torture_pam.pdf

⁴¹ Refers to *daiyo kangoku* in Japanese. The HRC in the third review conducted in October 1993 and other treaty bodies have issued the recommendations concerning the substitute prison system.

⁴² In discussing the revision of the Code of Criminal Procedure, the courts took the position that audio/video recording would be the best evidence to prove voluntariness of confessions, but in practice judges could still be over-reliant on confessions.

⁴³ This system was introduced in the amended Code of Criminal Procedure and will come into effect by June 2019.

⁴⁴ The new system applies cases which are subject to trials by lay judges and for which prosecutors independently initiate investigations (*ex officio*), such as political corruption.

⁴⁵ MEXT. Surveys on students' guidance for problematic behavior and other troubles from FY2012 to FY2014.

⁴⁶ The Act for the Promotion of Measures against Bullying (2013) stipulates measures including early detection, school's organized response, and investigation by third parties.

⁴⁷ JFBA. Opinion concerning the act for the promotion of measures against bullying. June 20, 2013.

<http://www.nichibenren.or.jp/activity/document/opinion/year/2013/130620.html>

⁴⁸ 69 cases in FY2013 and 90 cases in FY 2012. Ministry of Health, Labour and Welfare. Outline of the results of verification relating death and other cases caused by child abuse (the 12th report).

⁴⁹ JFBA. Opinion calling for eradication of corporal punishment and other cruel or degrading forms of punishment of children. March 19, 2015.

http://www.nichibenren.or.jp/activity/document/opinion/year/2015/150319_4.html

Despite the explanation in its Second report for the UPR which says “[t]his provision does not allow for corporal punishment,” the Government mentioned it was difficult to conclude that corporal punishment was not included in the right to discipline a child when discussing the revision of the Child Welfare Act, and failed to explicitly stipulate the prohibition of corporal and other forms of punishment in the amended act.

⁵⁰ About 123,000 people have been still evacuating for over six years since the occurrence, out of which approximately 79,000 people of Fukushima are evacuating within Fukushima and other prefectures (February 2017). Only 69.1 % of public housing planned for Fukushima nuclear disaster evacuees have been completed. As of September 2016, the disaster-related death toll has reached 3,523.

Reconstruction Agency. Number of evacuees nationwide and other data. February 28, 2017.

http://www.reconstruction.go.jp/topics/main-cat2/sub-cat2-1/20170228_hinansha.pdf

Fukushima Prefecture. Fukushima Reconstruction Station (a portal site of reconstruction information).

The number of evacuees is 79,228 people as of February 2017.

(English) <http://www.pref.fukushima.lg.jp/site/portal-english/en03-08.html>

Reconstruction Agency. The number of disaster-related death in the Great East Japan Earthquake (the survey result as of September 30, 2016) released on January 16, 2017.

http://www.reconstruction.go.jp/topics/main-cat2/sub-cat2-6/20160930_kanrenshi.pdf

⁵¹ Evacuation orders for the areas not permitted to live. The lift is planned to be on the basis of annual dose of 20 mSv or less.

⁵² Residents express concern about health issues after returning home. It is necessary to ensure the right to seek protection from potential health consequences of radiation and the right to sustainable living conditions and health.

ICRP Pub.111 (Provisional version) Executive Summary (d), IAEA Safety Fundamentals Principle 7, and the ICCPR Articles 6 and 7.

ICRP Pub.111 (Provisional version) Executive Summary (d), and Articles 11 to 15 of the International Covenant on Economic, Social, and Cultural Rights.

Committee on the Elimination of Discrimination against Women. Concluding observations on the combined seventh and eighth periodic reports of Japan. Paragraphs 36 and 37.

(CEDAW/c/jpn/co/7-8). March 7, 2016.

⁵³ Liberal Democratic Party of Japan and Komeito. Sixth proposal for acceleration of reconstruction from the Great East Japan Earthquake - Manifestation of the road for reconstruction and creation. August 24, 2016.

⁵⁴ Refers to the Tokyo Electric Power Company.

⁵⁵ JFBA. Declaration for continued assistance for recovery of the fundamental human rights of those affected by the Great East Japan Earthquake and the nuclear accident at the Fukushima Daiichi Nuclear Power Station and the victims, adopted at the 67th General Meeting on May 27, 2016.

http://www.nichibenren.or.jp/activity/document/assembly_resolution/year/2016/2016_2.html

JFBA. Opinion concerning revision of the basic policies to promote measures of assistance for lives of disaster-affected people and other matters (draft). August 7, 2015.

<http://www.nichibenren.or.jp/activity/document/opinion/year/2015/150807.html>

⁵⁶ Sendai Nuclear Power Units No.1 and No. 2 resumed the commercial operation in August 2015, and Takahama Unit 3 in February 2016.

⁵⁷ Refers to the Nuclear Regulation Authority.

⁵⁸ Fukui Shimbun. The Nuclear Regulation Authority approved the operation at Takahama Units 1 and 2 beyond 40 years - first approval in the aging reactors. June 20, 2016.

⁵⁹ JFBA. Declaration for continued assistance for recovery of the fundamental human rights of those affected by the Great East Japan Earthquake and the nuclear accident at the Fukushima Daiichi Nuclear Power Station and the victims and for an aim at the abolishment of nuclear power generation, adopted at the 67th General Meeting on May 27, 2016.

http://www.nichibenren.or.jp/activity/document/assembly_resolution/year/2016/2016_2.html

JFBA. Opinion concerning the revision of basic policies to promote measures of assistance for lives of disaster-affected people and other matters (draft). August 7, 2015.

<http://www.nichibenren.or.jp/activity/document/opinion/year/2015/150807.html>

⁶⁰ JFBA. Opinion calling for fundamental revision of the City Planning Act and the Building Standards Act (provisions for buildings in accordance with urban planning) in order to realize a sustainable urban city. August 19, 2010.

http://www.nichibenren.or.jp/activity/document/opinion/year/2010/100819_2.html

JFBA. Resolution calling for the abolition of the Resort Law and the establishment of measures and a legal system for sustainable tourism, adopted at the 47th JFBA Convention on Protection of Human Rights on October 8, 2004.

http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2004/2004_4.html

⁶¹ If suspects or defendants cooperate in investigation of facts or prosecution regarding certain crimes committed by others (targets), the public prosecutor agrees with defense counsel to offer favorable treatment in return, such as not prosecuting the suspect and dropping a charge.

⁶² JFBA. Statement concerning the enactment of a bill of Social Security and Tax Number System. May 24, 2013. <http://www.nichibenren.or.jp/activity/document/statement/year/2013/130524.html>

⁶³ Investigative authorities obtain position information through telecom operators without notifying users.

⁶⁴ Refers to the Act on the Protection of Specially Designated Secrets, which came into force in October 2014.

⁶⁵ Details of problems in this act include as follows: (1) an excessively broad category of information that can be classified as secret by the administrative authority, which results in failing to limit the classification properly; (2) protection provisions are insufficient, i.e., the press are not exempted from criminal punishments; (3) the lack of protection provisions from criminal punishments for whistleblowers regarding specially designated secrets; and (4) the insufficient independency of a monitoring mechanism for designating and lifting designation of, specially designated secrets.

⁶⁶ JFBA. Statement calling once again for repeal of the Act on the Protection of Specially Designated Secrets. December 10, 2014.

<http://www.nichibenren.or.jp/activity/document/statement/year/2014/141210.html>

JFBA. Opinion Calling for Repeal of the Act on the Protection of Specially Designated Secrets. September 19, 2014.

(English) <http://www.nichibenren.or.jp/en/document/opinionpapers/20140919.html>

⁶⁷ ICCPR. CCPR/C/JPN/CO/6

http://www.nichibenren.or.jp/library/ja/kokusai/humanrights_library/treaty/data/CO_JPRep6_ICCP R140820.pdf

OHCHR. Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. David Kaye at the end of his visit to Japan (12-19 April 2016). <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19842&LangID=E>

⁶⁸ Refers to the Minister of the Ministry of Internal Affairs and Communications (MIC).

⁶⁹ OHCHR. Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. David Kaye at the end of his visit to Japan (12-19 April

2016).

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19842&LangID=E>

⁷⁰ JFBA. Opinion calling for withdrawal of the Government's viewpoint of "political neutrality" in the Broadcast Act and guarantee of the freedom of the press. April 14, 2016.

<http://www.nichibenren.or.jp/activity/document/opinion/year/2016/160414.html>

JFBA. Statement concerning the preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and the public's right of access to information. April 28, 2016.

⁷¹ MEXT also allowed high schools to require their students to notify their political activities outside school.

⁷² Article 9(1) of the Public Offices Election Act stipulates that Japanese nationals aged 18 and older shall have the right to vote for members of the House of Representatives and House of Councillors. Also, Article 9(2) provides that Japanese nationals aged 18 and older who continue to domicile within the area of the municipality for three months or more shall be eligible for the election for members and a head of the assembly of a local government in said municipality. Article 11 of the Local Autonomy Act states that Japanese nationals who reside in an ordinary local public entity have the right to participate in election of said ordinary local public entity pursuant to the provisions of this Act. Also, Article 18 of the same act sets forth that Japanese nationals aged 18 and older who continue to domicile within the area of the municipality for three months or more shall be eligible for election for members and a head of the assembly of said ordinary local public entity in said municipality, as prescribed by other acts.

⁷³ As of the end of 2015, about 350,000 people out of approximately 1,050,000 permanent foreign residents in Japan are those who were forced to live in Japan during the colonial rule of the Korean Peninsula and Taiwan in the early 20th century and their descendants. These people possessed Japanese nationality from the commencement of the colonial rule in the early 20th century to the San Francisco Peace Treaty in 1952. The treaty did not stipulate anything about nationality of those from the former colonies who continued to stay in Japan after the treaty took effect. However, based on the understanding that the treaty included the provision that those from the former colonies would lose Japanese nationality, the Government unilaterally divested Korean and Taiwanese residents in Japan of Japanese nationality pursuant to the notice dated April 19, 1952, from the Director of the Civil Affairs Bureau of the Ministry of Justice. Additionally, the Nationality Act of Japan is founded on the strict principle of bloodline and prohibits dual nationality. With very few exceptions, if both parents hold foreign nationalities, their child, who is even born in Japan, is not thus granted Japanese nationality. Many descendants from the former colonies are treated as foreigners unless they are naturalized.

⁷⁴ JFBA. Declaration calling for the establishment of society of multiethnic and multicultural coexistence and the enactment of legislation for the basic human rights of foreigners and ethnic minorities, adopted at the 47th JFBA Convention on the Protection of Human Rights on October 8, 2004. http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2004/2004_5.html

The Supreme Court of Japan issued a decision that granting suffrage for an election for members and a head of an assembly of a local government and others for permanent foreign residents is not banned in the Constitution (the judgement by the Supreme Court, dated February 28, 1995).

⁷⁵ Regarding the case where a Korean national who resided in Japan with special permanent resident status sought the right to take the exam for promotion to the managerial level of the Tokyo Metropolitan Government, the Supreme Court ruled on January 26, 2005, that it is not illegal even to enforce measures for limiting the promotion to managerial positions only to public officials with Japanese nationals for the reason that Japan's legal system does not fundamentally assume the appointment of foreign nationals to public servants of municipalities who exercise public authorities and other relevant positions.

⁷⁶ The role of civil and domestic relations conciliator is to mediate and coordinate discussions between parties to reach an agreement. An attorney needs to be recommended by a bar association and then is to be appointed by the Supreme Court in order to become a conciliator. The role of a judicial commissioner is to act as an assistant of a court to coordinate discussions between parties in

a settlement procedure of a summary court. An attorney needs to be recommended by a bar association and then is to be appointed by a district court in order to become a judicial commissioner.

⁷⁷ JFBA. Opinion Paper Requesting Appointment of Foreign Nationals as Conciliation Commissioners and Judicial Commissioners.

(English) http://www.nichibenren.or.jp/en/document/opinionpapers/20090318_2.html

CERD. Consideration of reports submitted by States parties under article 9 of the Convention (CERD/C/JPN/CO/3-6, Para15).

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FJPN%2FCO%2F3-6&Lang=en

CERD. Concluding observations on the combined seventh to ninth periodic reports of Japan.

(CERD/C/JPN/CO/7-9, Para13.)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JPN/CO/7-9&Lang=En

⁷⁸ OECD. Stat “Real minimum wages”

<https://stats.oecd.org/Index.aspx?DataSetCode=RMW>

⁷⁹ In principle, an employment which meets all the three conditions below is regarded as a “regular employment.”

(1) A term of employment contract is not fixed.

(2) Prescribed working hours is full time.

(3) A worker is employed directly, which is not an employment such as a dispatched worker where an employee works under instructions of a person who is not an employer in the contract (indirect employment).

Other than those specified above, different forms of employment are defined as “non-regular employment” for convenience.

<http://www.mhlw.go.jp/stf/houdou/2r98520000025zr0-att/2r98520000026fpp.pdf>

JFBA. Statement calling for a substantial increase in the minimum wage. July 13, 2016.

<http://www.nichibenren.or.jp/activity/document/statement/year/2016/160713.html>

⁸⁰ JFBA. Resolution Calling for the Improvement of Working Conditions and Environment where All Women can be Relieved from Poverty and Work and Live without Gender Disadvantage, adopted at the 58th JFBA Convention on the Protection of Human Rights on October 2, 2015.

(Japanese) http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2015/2015_2.html

(English summary) http://www.nichibenren.or.jp/en/document/statements/year/2015/151002_2.html

JFBA. Opinion calling for amendment to the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment. November 22, 2013.

http://www.nichibenren.or.jp/activity/document/opinion/year/2013/131122_3.html

MIC. Labor Force Survey (Detailed Tabulation). 2015 Yearly Average Results (preliminary data).

<http://www.stat.go.jp/data/roudou/sokuhou/nen/dt/>

⁸¹ The situation aggravates poverty of single women and single-mother families. JFBA. Statement calling for a substantial increase in the minimum wage. July 13, 2016.

<http://www.nichibenren.or.jp/activity/document/statement/year/2016/160713.html>

Statistics Bureau of the MIC. Labor Force Survey (Detailed Tabulation). 2015 Yearly Average Results (preliminary data). February 16, 2016.

<http://www.stat.go.jp/data/roudou/sokuhou/nen/dt/pdf/index1.pdf>

⁸² Gender wage gap is still huge. The principle of equal wages for men and women provided in Article 4 of the Labor Standards Act does not clearly state the principle of equal pay for work of equal value, thus being interpreted vaguely. The principle of equal pay for work of equal value has yet to be established in Japan.

JFBA. Resolution Calling for the Improvement of Working Conditions and Environment where All Women can be Relieved from Poverty and Work and Live without Gender Disadvantage, adopted at the 58th JFBA Convention on the Protection of Human Rights on October 2, 2015.

(Japanese) http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2015/2015_2.html

(English summary) http://www.nichibenren.or.jp/en/document/statements/year/2015/151002_2.html

⁸³ MHLW. Database of companies which promote women's participation.

<http://www.positive-ryouritsu.jp/positivedb/>

⁸⁴ The Act on Promotion of Women's Participation and Advancement in the Workplace.

⁸⁵ House of Councillors. *Rippo to chosa* No. 365. Future of legislation relating to working hours and other matters - Bill of an act partially amending the Labor Standards Act and other acts. June 1, 2015.

http://www.sangiin.go.jp/japanese/annai/chousa/rippou_chousa/backnumber/2015pdf/20150601040s.pdf

⁸⁶ For brain, heart and mental diseases

⁸⁷ MHLW. Report on compensation claims for work-related accidents and diseases such as death from overwork for FY2015. <http://www.mhlw.go.jp/stf/houdou/0000128216.html>

⁸⁸ The proposal also include abolishing the working hour regulation for workers with an annual income of 10.75 million yen and over under certain conditions.

⁸⁹ JFBA. Statement Opposing the "Bill to Amend Part of the Labor Standards Act, etc." to Deregulate the Work-Hour Regulations. April 6, 2015.

(English) <http://www.nichibenren.or.jp/en/document/statements/year/2015/150406.html>

⁹⁰ In addition, many victims hesitate to file a lawsuit due to low levels of compensation and risks of secondary victimization.

⁹¹ From January 1, 2017, employers are obliged to take measures to address harassment concerning pregnancy, childbirth, and childcare and nursing care leaves, etc.

⁹² MHLW. Results of research analysis of the relative poverty rate and other factors. December 18, 2015. <http://www.mhlw.go.jp/seisakunitsuite/soshiki/toukei/tp151218-01.html>

⁹³ Cabinet Office. White Paper on Children and Young People 2015 (Complete version Chapter 3). http://www8.cao.go.jp/youth/whitepaper/h27honpen/b1_03_03.html

There has been an increase for the last decade in the rate of elementary and junior high school children who have been deemed to have difficulties in attending school for financial reasons and receive financial assistance for formal education. Those children accounted for 15.64% in 2012, the highest ever. Article 19 of the School Education Act (Act No. 26 of 1947) sets forth with regard to financial assistance for education that a municipality shall provide necessary aid for guardians whose pupils and students of school age are deemed to have difficulties attending school for financial reasons. Such aid for education is given to persons requiring public assistance as provided in Article 6(2) of the Public Assistance Act and those who are recognized by a municipal board of education to live in poverty to the equivalent extent (persons equivalent to the one requiring public assistance) as stated in the Act.

MHLW. Report on the National Survey of Single-Mother Households for FY2011.

http://www.mhlw.go.jp/seisakunitsuite/bunya/kodomo/kodomo_kosodate/boshi-katei/boshi-setai_h23/

⁹⁴ JFBA. Resolution concerning the introduction of the system to allow retention of surnames after marriage and the review of divorce-related payment system, adopted at the 36th JFBA Convention on the Protection of Human Rights on October 29, 1993.

http://www.nichibenren.or.jp/activity/document/civil_liberties/year/1993/1993_1.html

Because of the absence of comprehensive provisions in the Civil Code pertaining to divorce which provides a basis for distribution of marital property and also inappropriate procedures of disclosure of financial situations of a spouse, the property is not distributed in a fair way for divorcing women. There are few cases where child support is provided after divorce, and its level does not fully satisfy children's financial needs.

⁹⁵ Nihon Keizai Shinbun. MHLW' survey reveals household of the elderly exceeds 50% of those on welfare. June 1, 2016.

⁹⁶ As well as welfare, education and tax measures.

⁹⁷ Committee on Economic, Social and Cultural Rights. GENERAL COMMENT NO. 19 The right to social security (art. 9).

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/19&

Lang=en

⁹⁸ This indicates a rate of those who actually live on welfare out of people who are eligible for public welfare assistance.

⁹⁹ JFBA brochure “Public assistance for you.”

http://www.nichibenren.or.jp/library/ja/publication/booklet/data/seikatsuhogo_qa_pam_150109.pdf

JFBA brochure “Restriction of public assistance requirements. Your livelihood at risk? Who benefits from this restriction?”

<http://www.nichibenren.or.jp/library/ja/publication/booklet/data/seikatuhogokijyunhikisage.pdf>

¹⁰⁰ Especially for elderly, persons with disabilities, children and foreigners. JFBA. Resolution calling for legislation concerning patients' rights, adopted at the 54th JFBA Convention on the Protection of Human Rights on October 7, 2011.

http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2011/2011_2.html

¹⁰¹ The Act for Promotion of Human Rights Education and Encouragement came into force in 2000.

¹⁰² JFBA. Comments on the enactment of the legislation concerning Promotion of Human Rights Education and Encouragement. December 14, 2000.

http://www.nichibenren.or.jp/activity/document/statement/year/2000/2000_16.html

¹⁰³ Discrimination against women, persons with disabilities, ethnic and sexual minorities, etc

¹⁰⁴ The Act on Local Educational Administration was enacted in June 2014, and came into force on April 1, 2015.

¹⁰⁵ JFBA. Statement concerning the legislation of the reform of the board of education system and other relevant matters. March 20, 2014.

<http://www.nichibenren.or.jp/activity/document/statement/year/2014/140320.html>

JFBA. Opinion concerning the reform of the board of education system. April 18, 2016.

http://www.nichibenren.or.jp/library/ja/opinion/report/data/2014/opinion_140418_3.pdf

¹⁰⁶ JFBA. Opinion Paper Concerning the Revision of Textbook Examination Standards, the Guidelines for the Screening of Textbook Examination Standards, and the Adoption of Textbooks. December 26, 2014.

(English summary) <http://www.nichibenren.or.jp/en/document/opinionpapers/20141219.html>

¹⁰⁷ JFBA. Opinion concerning the report on improvement and other measures for the school curriculum regarding moral education by the Central Council for Education of MEXT. December 18, 2014.

http://www.nichibenren.or.jp/activity/document/opinion/year/2014/141218_2.html

¹⁰⁸ The Notice was issued following the lowering of the minimum voting age. Notice by Director-General of the Elementary and Secondary Education Bureau, MEXT. Notice concerning education of political literacy at high schools and other institutions and political activities and other relevant acts by students of high schools and other institutions. October 29, 2015.

¹⁰⁹ Supplementary teaching material prepared by the MIC and MEXT called “*Watashitachi ga hiraku nihon no mirai* (Creating Japan's future on our own)” and the guideline resources for its utilization, and Q&A prepared by the MIC and MEXT regarding the notice concerning education of political literacy at high schools and other institutions and political activities and other relevant acts by students of high schools and other institutions.

¹¹⁰ The Government also permits under certain conditions the establishment of school rules to require students of high schools and other institutions to notify their political activities in advance.

¹¹¹ JFBA. Opinion Paper Concerning the Revision of Textbook Examination Standards, the Guidelines for the Screening of Textbook Examination Standards, and the Adoption of Textbooks. December 26, 2014.

(English summary) <http://www.nichibenren.or.jp/en/document/opinionpapers/20141219.html>

JFBA. Opinion concerning the report on improvement and other measures for the school curriculum concerning moral education by the Central Council for Education of MEXT. December 18, 2014.

http://www.nichibenren.or.jp/library/ja/opinion/report/data/2014/opinion_141218_2.pdf

¹¹² Foreign school children can study their own language for certain hours at only a few public elementary and junior high schools in Japan.

¹¹³ Refers to the Act for the Promotion of Eliminating Discrimination Against Persons with Disabilities. The Act prohibits discriminatory treatment by administrative agencies and enterprises on the ground of disability. It also obliges administrative agencies to provide reasonable accommodation for persons with disabilities, and requires enterprises to make effort in providing such reasonable accommodation.

¹¹⁴ The remedies provided are limited to consultations by regional councils for support and conciliation procedures for labor-related disputes.

¹¹⁵ JFBA. Declaration of Action for Human Rights. Chapters 2 and 3.
http://www.nichibenren.or.jp/activity/policies/jinken_sengen_2014.html

¹¹⁶ Refers to the Convention on the Rights of Persons with Disabilities.

¹¹⁷ Article 8(2) of the Act for the Promotion of Eliminating Discrimination Against Persons with Disabilities.

JFBA. Declaration calling for full implementation of the CRPD, adopted at the 57th JFBA Convention on the Protection of Human Rights on October 3, 2014.

http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2014/2014_1.html

¹¹⁸ JFBA. Opinion concerning improvement of psychiatry and review of the Medical Treatment and Supervision Act. March 18, 2010.

http://www.nichibenren.or.jp/activity/document/opinion/year/2010/100318_6.html

JFBA. Report on the 6th Periodic Report of the Government of Japan based on Article 40 (b) of the International Covenant on Civil and Political Rights - Matters and their Background Circumstances that should be Included in the List of Issues to be Prepared by the Country Report Task Force. May 9, 2013.

(English)

http://www.nichibenren.or.jp/library/ja/kokusai/humanrights_library/treaty/data/Alt_Rep_JPrep6_I_CCPR.pdf

¹¹⁹ At a residential care center for persons with disabilities in Sagamihara City, Kanagawa Prefecture, a former employee murdered 19 residents, and seriously injured 27 people on July 26, 2016. According to the facts found by the examination team established by the Government to investigate the case at the care facility for people with disabilities in Sagamihara City and to prevent recurrence, the suspect reportedly made comments such as “the severely disabled had better die,” and “everyone actually thinks that way, too.” This indicates that the suspect had a strong discrimination against persons with disabilities. As the interim report dated September 14, 2016, pointed out, given that in general, the smoking of marijuana itself alone is less likely to cause the speech and behavior seen in this case, the suspect’s discriminatory mind may have partly contributed to the murder case.

JFBA. Statement concerning the interim report by the examination team to investigate the case at the care facility for persons with disabilities in Sagamihara City and to prevent recurrence. November 14, 2016.

http://www.nichibenren.or.jp/activity/document/statement/year/2016/161114_2.html

¹²⁰ CRPD Articles 8, 19 and 24.

JFBA. Declaration calling for full implementation of the CRPD, adopted at the 57th JFBA Convention on the Protection of Human Rights on October 3, 2014.

http://www.nichibenren.or.jp/activity/document/civil_liberties/year/2014/2014_1.html

¹²¹ HRC. Concluding observations on the sixth periodic report of Japan. CCPR/C/JPN/CO/6. August 2014.

CERD. Concluding observations on the combined seventh to ninth periodic reports of Japan. CERD/C/JPN/CO/7-9. September 2014.

¹²² Report of the UN Special Rapporteur on trafficking in persons, Ms. Joy Ngozi Ezeilo, dated May 12, 2015, and Report of the UN Special Rapporteur on the human rights of migrants, Mr. Jorge Bustamante, dated March 21, 2011.

JFBA. Opinion calling for the immediate abolishment of the technical intern training program for foreigners. June 20, 2013.

http://www.nichibenren.or.jp/activity/document/opinion/year/2013/130620_4.html

¹²³ The Act on the Proper Implementation of Technical Intern Training for Foreigners and the Protection of Technical Interns (2016).

¹²⁴ JFBA. Statement concerning the bill on the proper implementation of technical intern training for foreigners and the protection of technical interns. April 24, 2015.

http://www.nichibenren.or.jp/activity/document/statement/year/2015/150424_2.html

JFBA. Opinion concerning the report on the review of the technical intern training program by the study group of experts. February 27, 2015.

<http://www.nichibenren.or.jp/activity/document/opinion/year/2015/150227.html>

JFBA. Statement Concerning the “Review Results (Report) Regarding the Direction of Revision of the Technical Intern Training Program for Foreigners.” June 18, 2014.

(English) <http://www.nichibenren.or.jp/en/document/statements/year/2014/140618.html>

JFBA. Statement concerning the enactment of the Act on the Proper Implementation of Technical Intern Training for Foreigners and the Protection of Technical Interns. November 24, 2016.

http://www.nichibenren.or.jp/activity/document/statement/year/2016/161124_2.html

¹²⁵ In 2014, three detainees died for not being able to receive proper medical treatment at detention facilities. JFBA. Statement Regarding the Death of a Detainee at the Tokyo Regional Immigration Bureau. January 14, 2015.

(English) <http://www.nichibenren.or.jp/en/document/statements/year/2015/150114.html>

¹²⁶ Refers to the number of refugee recognitions divided by the number of applicants.

¹²⁷ Ministry of Justice Stat. “Changes in the number of refugee recognition applications”.

<http://www.moj.go.jp/content/001170703.pdf>

¹²⁸ Refers to the Ministry of Justice.

¹²⁹ JFBA. Proposals on Refugee Status Recognition System and Status of Refugee Applicants in Japan. February 21, 2014.

(English) <http://www.nichibenren.or.jp/en/document/opinionpapers/140221.html>

JFBA. Opinion on the report by the special committee concerning the direction of the review of the refugee recognition system. March 19, 2015.

http://www.nichibenren.or.jp/activity/document/opinion/year/2015/150319_7.html