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Summary of stakeholders' submissions on Japan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 35 stakeholders' submissions¹ for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with human rights mechanisms

2. JS1 and AI recommended ratification, of ICCPR-OP1.³ AI, HO, JS10 and BCU recommended acceding to ICCPR-OP2.⁴ HO recommended ratifying OP-CAT.⁵

3. JS5 and AIPR recommended ratifying ILO Convention (No. 169).⁶ HO recommended acceding of the Convention (No. 111).⁷ HRN and JFBA recommended ratifying ILO Convention (190).⁸ HO recommended ratifying ICRMW.⁹

4. CGNK recommended ratifying the third protocol of the Geneva Conventions and the fifth protocol of the Convention on Conventional Weapons.¹⁰ CGNK and ICAN recommended ratifying the treaty on the prohibition of nuclear weapons.¹¹

5. JS4 recommended ratifying the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence).¹²

6. JS13 and CGNK recommended that Japan ratify the Convention on the Prevention and the Punishment of the Crime of Genocide.¹³ JS13 recommended acceding to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.¹⁴ JS13 recommended ratification of Kampala amendments to the Rome Statute.¹⁵

7. IMADR recommended that Japan withdraw the reservation on Article 4 a) and b) of the ICERD.¹⁶

* The present document was not edited before being sent to United Nations translation services.



8. JBFA and JS9 noted the non-cooperation with the UN Special Rapporteurs (SR) and recommended accepting outstanding requests for visits.¹⁷ HRN urged the government to accept the request for a Country Visit by the SR on IDPs.¹⁸ JS5 recommended inviting the SR on the Rights of Indigenous Peoples to visit.¹⁹ HRN called for an immediate acceptance to the request for a Country Visit by the UN Working Group on Arbitrary Detention and cooperate with it.²⁰

B. National human rights framework

1. Constitutional and legislative framework

9. JFBA stated that there are very few judicial precedents in which a Japanese court directly or indirectly applies international human rights treaties ratified by Japan. Violation of international human rights treaties does not constitute grounds for a final appeal to the Supreme Court.²¹

2. Institutional infrastructure and policy measures

10. AI, HO and IMADR noted that Japan did not implement UPR recommendations to establish a national human rights institution and urged taking immediate steps to establish a fully independent, impartial, credible, and empowered national human rights institution in accordance with the Paris Principles.²² JFBA stated that a national human rights institution should be established following the Convention on the Rights of Persons with Disabilities.²³

11. JS5 recommended creating a national action plan on implementing Indigenous Peoples' rights based on the World Conference on Indigenous Peoples' Outcome Document.²⁴

12. JFBA was concerned that no satisfactory education or training on international human rights law is provided for the judiciary and law enforcement agencies.²⁵

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

13. HRN indicated that the national Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (2016) has not been amended to explicitly prohibit hate speech, address the role of the internet in hate speech, nor to criminalize serious forms of hate speech. It recommended amending the Act.²⁶ JSHT noted the flaw arising in the Hate Speech Elimination Act and its ambiguity. It recommended a crackdown on hate crimes and change the phrase "persons originating from outside Japan" to "all persons" in the Act.²⁷

14. AIPR noted that the Act doesn't include hate speech against the Ryukyuan peoples and recommended addressing current discrimination and enacting domestic legislations prohibiting hate speech against them.²⁸ IMADR, HRN, HURAK and HO encouraged adopting and implementing a comprehensive anti-discrimination law, combined with sanctions and effective remedy that would prohibit and sanction any direct or indirect form of discrimination based on age, race, gender, religion, sexual orientation, ethnic origin, or nationality.²⁹ IMADR called on Japan to prohibit hate speech and hate crimes to prohibit promotion or incitement of racial discrimination by public authorities.³⁰ HURAK and JFBA expressed concern over the endless hate speech against Korean residents in Japan, and the ineffectiveness of the Hate Speech Elimination Act.³¹ ACSIL noted that although Japan's first anti-hate speech law had passed in the Diet in May 2016, this law did not cover racial discrimination or include a penalty clause. It called on the government to urgently create anti-racial discrimination laws to protect indigenous peoples.³²

Right to life, liberty and security of person, and freedom from torture

15. AI, CGNK, HRN, BCU, JS6 and JFBA noted that Japan continued to carry out executions under the death penalty.³³ JS10 reported that since November 2017, Japan executed 23 inmates by hanging.³⁴ AI, JS6 and JS10 noted that as of 31 December 2021, 109 out of the 116 people on death row had their death sentences finalized with the process completed and were at risk of execution.³⁵ JS6 and JS10 noted that there are 19 crimes that may result in a death sentence. They noted that Japan does not have a mandatory appeal system for capital cases. They recommended a mandatory appeal system against death penalty sentences.³⁶

16. AI, BCU, JS6 and JS10 were disappointed that during the third UPR Cycle, Japan noted 23 recommendations related to the death penalty and establishing a moratorium on executions. They noted that people on death row are not informed of their execution date until the morning of their execution. They recommended that Japan complies with the ‘most serious crimes’ principle; and provide death row inmates and their families with reasonable advanced notice of the scheduled date and time of their executions.³⁷

17. AI, BCU, HRN, JS6 and JS10 called for an immediate introduction of a formal moratorium on executions as a first step toward the abolition of the death penalty and commute all death sentences to terms of imprisonment.³⁸ CGNK recommended that Japan change policy regarding the application of the death penalty and prepare the legal changes needed to abolish the death penalty.³⁹ BCU recommended that Japan uphold and enforce its international obligations to safeguard the right to life, pursuant to Articles 6, 7 and 14 of the ICCPR.⁴⁰

18. BCU stated that whilst retaining the death penalty, any person with appeals pending, including appeals for retrials, should not be executed.⁴¹ JS6 called for amending the Penal Code to limit the death penalty to crimes in which the defendant had the intent to kill and did in fact kill, and reform the criminal procedure laws to ensure that investigators and law enforcement record all interrogations.⁴²

19. JFBA also noted that the actual conditions, such as the treatment of death row inmates, remain unchanged, inmates are forcibly placed under solitary confinement without clear and specific criteria and without an opportunity to file a complaint.⁴³

20. JS10 reported that there remains a risk that confessions extracted under torture or ill-treatment can be used as evidence in proceedings involving defendants in death penalty cases, with no effective legal safeguards to avoid evidentiary use of confessions obtained through torture. It recommended taking appropriate measures to allow defense counsels to; be present during interrogations; have access to evidence, in order to guarantee that confessions are not obtained by torture; amend laws to suspend executions during retrial or amnesty proceedings; and avoid executions of death row inmates, who have initiated retrial procedures; and create an independent mechanism to review the mental health of death row inmates.⁴⁴

21. JS6 recommended that Japan amend its law on detention facilities and treatment of inmates to restrict the use of solitary confinement and to comply with the Nelson Mandela Rules and the Code of Criminal Procedure.⁴⁵ HRN proposed establishing a study group for abolishing the death penalty.⁴⁶ AI noted that in the absence of effective safeguards or regular psychiatric evaluations, persons with psycho-social and intellectual disabilities continued to be subjected to the death penalty.⁴⁷

22. JS10 noted that many prisoners complained of not having access to medical care. It recommended transferring the management of prison healthcare to the Ministry of Health, Labor and Welfare; increasing the number of doctors in places of detention; abolishing compulsory prison work and introducing a wage system that provides for an adequate remuneration for prison labor; ensuring alternative channels of communication between prisoners and the outside world; and introducing an independent mechanism to review the mental health of death row inmates.⁴⁸

23. CGNK called for reinforcing suicide prevention mechanisms and to strengthen homicide prevention and traffic casualty prevention.⁴⁹

24. JWJP noted that the constitution does not have a clear provision on rescue abducted victims detained in foreign country, as there were 875 cases of missing Japanese persons, possibly abducted by a third country, in addition to the 17 Japanese abductees who were officially recognized as abductees by the government. It recommended a prompt rescue of all the victims, investigate all cases and amend the constitution to establish consistency of the provisions.⁵⁰

International humanitarian law

25. JS12 noted the positive steps of Japan to reduce the risk of nuclear war, and observed that while it has agreed to work actively for nuclear disarmament, it was concerned with the extended nuclear deterrence policy of Japan. It noted the non-compliance with General Comment No. 36 on the right to life set out in Article 6 of the ICCPR, and encouraged it to announce the policy to relinquish the reliance on the first use of nuclear weapons, in its extended nuclear deterrence relationship with the United States of America. It also recommended that Japan support the implementation of the P5 statement of January 3, 2022 and propose regional negotiations for a North-East Asia nuclear-weapon-free zone.⁵¹

26. JS1 recommended Japan to respond to the appeal from victims of the Public Order and Police Law (1925-1945) for apology and compensation from the government.⁵²

Administration of justice, including impunity, and the rule of law

27. JS13 stated that Japan did not take steps to specifically criminalize enforced disappearance as an autonomous offence under ICPPED. It recommended the government to do so as that may contribute to realizing justice and accountability for the cases of the 25 cases of enforced disappearances of Sakhalin Koreans.⁵³

Fundamental freedoms and the right to participate in public and political life

28. JS3 noted previous UPR recommendations to eradicate all forms of discrimination and recommended Japan to meet with representatives of Jehovah's Witnesses for discussion on eliminating discrimination in medical treatment to ensure that clinicians respect patient autonomy and that they are free to provide health care using evidence-based therapeutic strategies for preempting blood transfusion for all patients who decline allogeneic blood, including Jehovah's Witnesses.⁵⁴

29. HRN expressed concern over recent measures restricting freedom of expression, which have resulted in arbitrary arrests and censorship of anti-government perspectives. Further, it noted that the police had arrested both protesters and journalists at the new US military base on Okinawa and in the lead up to the Tokyo Olympics. It recommended revising Article 4 of the Broadcast Act, reviewing the Secrets Act to establish unambiguous parameters for what constitutes a secret, empowering relevant oversight bodies, ceasing the arbitrary revocations of passports of Japanese journalists.⁵⁵

30. CCIU and JS1 noted that Osaka Prefecture enacted an ordinance in 2011 mandating standing and singing "Hinomaru/Kimigayo (National Flag and National Anthem)" and another in 2012 which stipulated that public servants be punished in case of disobeying the order. They stated that Japan must not force any person to perform those acts and called the courts and the Diet to respect the 1966 joint ILO and UNESCO "Recommendation on the Status of Teachers," and protect the freedom of thought and conscience of teachers and children. They urged Japan not to punish teachers and staff or put children at a disadvantage and refrain from forcing teachers and children who are unable to participate in certain acts of observance.⁵⁶ CCIU expressed concern that the strict instruction puts children with disabilities at risk.⁵⁷

31. JFBA stated that suffrage for national and local elections is limited to Japanese nationals. It recommended that permanent foreign residents, including those from former colonies, should be granted the right to vote at least in local elections.⁵⁸

Prohibition of all forms of slavery, including trafficking in persons

32. ECLJ and JFBA stated that although Japan has strict laws that punish sexual exploitation, it is very loose in enforcing them and that it is critical that Japan works to stop the substantial sex industry by enacting comprehensive legislation to combat human trafficking, including sexual exploitation of girls and women. The fact that child pornography was only recently made illegal and is still tolerated contributes to human trafficking. They recommended that Japan effectively prosecute perpetrators and those who pay for sex, and profit from the exploitation of women and children, as it is critical that this industry no longer be viewed as financially lucrative.⁵⁹ ECLJ recommended increasing resources and training for law enforcement to be able to effectively prosecute perpetrators and provide aid and assistance to the victims.⁶⁰

33. WAM noted that the issue of military sexual slavery or the so-called “comfort women” issue has been raised ever since the first cycle of the UPR of Japan; however, none of these recommendations have been implemented.⁶¹ KCJRMSSJ recommended that Japan stop attempts to reinstate the 2015 Korea-Japan agreement, which was a political agreement that violated victim-centred principles, and transparently disclose the negotiation process, procedures and relevant documents; stop promoting revisionism of the historical facts and implement legal reparations for the victims, and provide redress including acknowledgment of the war crime, official apology, legal reparations, commemoration to all victims without discrimination.⁶²

34. AI and WAM also recommended that Japan publicly assert that survivors have a right to full and effective reparation, right to redress and right to access justice before the courts and ensure that any measures or statements by government officials or public figures that may undermine these rights are rescinded.⁶³

35. AI recommended the implementation of the January 2021 chamber ruling of the Seoul Central District Court ordering the Japanese government to provide compensation to the survivors in the 2016 case. It further called for a system of cooperation with the government of the Republic of Korea (ROK) and other affected countries in overcoming procedural hurdles.⁶⁴ iRICH recommended that the government request the ROK to promptly implement the Japan-ROK Agreement and impose sanctions against ROK until it is done.⁶⁵ WAM further recommended that related materials should be disclosed to the public through history textbooks.⁶⁶

Right to work and to just and favourable conditions of work

36. JFBA noted that the upper limit of overtime work regulations provided by the Labour Standards Act is not ideal. It further added that the legislation has neither direct prohibition provisions nor punitive clauses.⁶⁷

37. JS1 was concerned that since the dismissal of 165 workers, Japan Airlines continued to refuse to find a resolution through collective bargaining with the trade unions. It called for settling this dispute.⁶⁸

Right to social security

38. JFBA noted that the poverty rate in Japan remained high at 15.4%, with dire levels of poverty among elderly households consisting of those aged 65 or older, single-person households, and single-parent households. There has been a large impact of COVID-19 on poor and vulnerable groups and the issue of poverty is becoming even more serious.⁶⁹

Right to an adequate standard of living

39. JS9 noted that women’s and children’s rights are disproportionately affected by the nuclear accident as they are more vulnerable to both the health effects of radiation exposure and are at greater economic and political disadvantage. It recommended that the government develop and support initiatives aimed at helping Fukushima-impacted women achieve financial independence, including, addressing income gaps, and improving the conditions and workplaces of women.⁷⁰

Right to health

40. ACSIL and JS8 expressed concern on the issue of contamination by military bases in Ryukyu. They recommended Japan and United States of America (USA) government to urgently conduct health examinations of residents and clean up the contaminated soil, water, and watershed. They requested the USA to submit an environmental impact report and make its contents public and extend compensation to the affected areas.⁷¹

41. JS9 stated that the government continued to ignore radiation protection principles by allowing a maximum limit of 20mSv/year of radiation exposure for all its citizens, including pregnant women, children, and infants. It recommended a maximum public exposure set by the ICRP to reduce the allowable radiation dose level in Fukushima-impacted areas to a maximum of 1 mSv/year, which would reflect the international standard; suspending the current return policy and halt any plans to revise the target level to a higher limit, and to urgently assess the public health risks posed by radioactive hotspots.

42. JS9 also urged monitoring the health effects of radiation to protect the right to life and health of Fukushima residents, with a focus on vulnerable groups.⁷² JS11 recommended that Japan withdraw its policy of discharging "ALPS treated water" (contaminated water containing tritium and other radioactive materials) from the Fukushima Daiichi Nuclear Power Plant into the ocean and store "treated water" strictly on land at the plant site. In addition, they requested t Japan to legally guarantee that all nuclear accident victims receive free medical care for the rest of their lives.⁷³

43. JFBA also noted that in recent years, the radiation exposure suffered by fishers at the hydrogen bomb test around Bikini Atoll in 1954 came to light, but no relief has yet been provided.⁷⁴ JS2 noted previous UPR recommendations and was concerned with the situation of the 2nd-generation Atomic bomb survivors. It urged taking measures for the rights of the second-generation and guaranteeing the human rights of next- and future-generations of nuclear victims.⁷⁵

44. SA and JS4 noted that the Penal Code contains abortion crimes that punish women who have abortions and their practitioners, and that abortion requires spousal consent. They also noted that due to poor access to abortion services, there have been cases of women who are unable to have abortions, give birth in isolation, and are being arrested for abandoning their newborn babies. They called for the decriminalization of abortion and the amendment of the Maternal Protection Act to ensure access to safe, timely, affordable, and respectful abortion care without the requirement of spousal consent.⁷⁶

Right to education

45. JS1 noted that Japan is disregarding the "right to education" as the basis of basic human rights, and on the contrary, textbook contents are not insulated from political intervention. They note that the education gap is widening due to economic disparity. It called on the Human Rights Council to review these violations.⁷⁷ JFBA stated that no reform has been carried out to increase the absolute number of regular teachers which has led to long working hours for teachers. It recommended reducing classroom hours, introducing a system to reduce the number of students in each classroom and creating a system to implement tuition-free tertiary education.⁷⁸

46. JS1 stated that the Textbook Authorization Mechanism allows the Ministry of Education, Culture, Sports, Science and Technology (MEX) to politically intervene in the descriptions of textbooks and recommended that the Government set up measures to insulate contents of textbooks from any political intervention.⁷⁹ ASCIL urged to officially encourage the publishing of textbooks that include the historical existence of Lew Chew as an independent nation.⁸⁰

47. JS4 called on allowing age-appropriate comprehensive sexuality education to students inside and outside of schools, based on UNESCO's "International Technical Guidance on Sexuality Education".⁸¹

48. HURAK noted that previous UPR recommendations concerning discrimination against children attending Korean schools and the exclusion from the Tuition Waiver

Program and Tuition Support Fund Program for High School Education, had not been implemented.⁸²

Development, the environment, and business and human rights

49. JFBA noted that Japan has not taken sufficient measures to address environmental issues and maintained the construction of new coal-fired power plants. It recommended taking specific measures to realize a sustainable society, including cancelling such plans.⁸³ IUVENTUM called for an end in the production of commercial electricity by nuclear power and the dumping of the meltdown water into the Pacific Ocean by the government and TEPCO.⁸⁴

50. JS9 stated that the decision of the government to increase radioactive pollution of the Pacific Ocean from 2023 is a direct threat to the human rights of people of the Asia-Pacific region to a clean, healthy and sustainable environment. The Japanese government should fully comply with its legal obligations, including under the United Nations Convention on the Law of Sea (UNCLOS), and conduct a comprehensive Environmental Impact Assessment. It encouraged meaningful public participation in environmental decision-making on the management of highly contaminated water at Fukushima Daiichi.⁸⁵

51. JFBA was concerned that Japan National Action Plan on Business and Human Rights does not contain an adequate analysis of the effectiveness of current legal systems and policies. Furthermore, no sufficient consideration has been given to measures that prevent human rights violations in supply chains and any provision of remedies.⁸⁶ HRN stated that the absence of an NHRI has compounded the problem of Japanese companies failing to conduct effective human rights due diligence within their supply chains.⁸⁷

2. Rights of specific persons or groups

Women

52. JFBA noted that no law provides for a comprehensive definition of discrimination against women.⁸⁸ HRN, JFBA and JS4 noted that domestic violence has tremendously increased despite laws against spousal violence. They further observed that the current law did not explicitly address marital rape nor presume non-consent where the perpetrator exploits a power-relationship (such as incest, work superiors, doctors, teachers, etc.). They recommended reforming the Penal Code to change the legal standard for forcible sexual intercourse under the definition of “spousal violence”, include a broader array of acts of sexual violence in the definition of the crime; and raise the age of consent for sexual conduct.⁸⁹ HO, HRN and JFBA called for an amendment of the civil law to allow married couples to maintain their surname based on their choice.⁹⁰ HO recommended accelerating gender equality.⁹¹

53. JS8 expressed concern that crimes committed by USA military personnel have gone largely unaddressed and about cases of sexual assault targeting women living in Okinawa committed by the USA military personnel. It called for the investigation of those cases; and of all its impacts, particularly on physical and mental health; legislate against discrimination toward women, which addresses intersectional forms of discrimination against those belonging to minority groups and adopt a zero-tolerance policy that prohibits and prevents all forms of gender-based violence against them.⁹²

54. JFBA urged increasing participation of women as Japan is ranked low in the Global Gender Gap Index, and bridge the gender gap in employment and wages.⁹³

Children

55. JFBA called for a comprehensive coordination body for child policies and an independent monitoring body for children’s rights, and a basic law to be enacted that clearly defines children as holding rights.⁹⁴

56. JCREC noted that the Child Guidance Centres are extremely problematic, considering the powers given to it, particularly temporary custody and the absence of judicial review. It recommended Japan to stop the attempts in the name of setting up the ‘Children and Families

Agency' to destroy the familial ties only for financial gain at the cost of infringing upon human rights.⁹⁵

57. HRN and ECLJ was concerned that child pornographic material continues to be widely produced and disseminated in Japan.⁹⁶ HRN investigation revealed the narrow definition of child pornography that allows sexual exploitation of minors, and gaps in enforcement also perpetuate the wide availability of child pornography. It recommended the broadening of the definition of child pornography and increasing efforts to prosecute viewing and possession of it in any form.⁹⁷ ECLJ recommended that Japan take drastic steps to combat the sexual and criminal exploitation of children currently on the rise.⁹⁸

58. HRN noted that many schools require students with hair that is not naturally black to submit documentation corroborating their natural hair colour and texture, requiring them to dye their hair black if suspected of lying. Such policies discriminate students of mixed or non-Japanese descent. It recommended eliminating discriminatory school rules.⁹⁹

59. JFBA was concerned about the increasing suicide rates among young people and recommended psychological care for children and the promotion of suicide prevention education. It recommended enacting legislation to enable effective handling of bullying cases to prevent it, including through education and abolish the provision of the Civil Code stipulating disciplinary rights by persons with parental authority, and prohibit all forms of violence as punishment.¹⁰⁰

Persons with disabilities

60. JFBA stated that the Persons with Disabilities Discrimination Elimination Act does not provide for adequate remedies for rights violations. It recommended that provision of reasonable accommodation by private businesses as required by the amended Act be enforced; inclusive education be promoted; and education and policies to eliminate discrimination and prejudice against persons with disabilities be reinforced. It observed that the legislation allows for the hospitalization of persons with mental disabilities for an indefinite period without their consent.¹⁰¹

61. JS4 recommended measures to recognise the rights of victims of sterilisation by publicly acknowledging the State's responsibility, withdrawing all appeals to higher courts in cases where the government has been held liable, conducting an independent third-party investigation, and strengthening anti-discrimination education and training regarding persons with disabilities to ensure that the society will never repeat such discriminatory acts based on eugenics. Furthermore, it recommended identifying and contacting potential survivors of forced sterilisation, disseminate sufficient information about the Payment law, raise the amount and extend the eligibility period for payments.¹⁰²

Indigenous peoples and minorities

62. ACSIL stated that the Japanese government should officially and immediately admit the historical existence of Lew Chew as an independent nation and apologize for its forced assimilation into Japan in the 1870s. They claimed that the Government holds documents containing the original copies of the treaties of amity between Lew Chew and the USA, France and Holland. It requested returning those documents immediately and participation of Lew Chewan peoples in decision-making in matters affecting their rights.¹⁰³ JS5 noted that Ainu, Ryukyuan/Okinawan, and other ethnic minorities continue to suffer greater rates of discrimination and poverty and lower rates of academic success compared to non-Indigenous Peoples.¹⁰⁴ AIPR, JS5 and JS8 also recommended Japan to recognize the right to self-determination of the Ryukyu/Okinawa People as Indigenous Peoples; take appropriate measures to recognise their rights to ancestral territories and natural resources; provide meaningful and inclusive participation in decision-making matters; revise the legislation and policies; strengthen, respect and fulfil the rights of the Ainu People and eliminate all forms of discrimination against those two communities.¹⁰⁵

63. ACSIL expressed concern over the USA military construction in Henoko and recommended halting construction of the new military bases at Henoko and Takae in the

northern part of Okinawa Island in Lew Chew and start demilitarization and decolonization of Lew Chew and setting up consultation with citizens.¹⁰⁶

64. JFBA noted the ongoing discrimination against Burakumin in employment, marriage, housing, and on the internet. It further stated the need to enact legislation to prohibit racial discrimination and promote multi-ethnic coexistence, and other relevant measures.¹⁰⁷ IMADR and JS8 noted that Japan failed to recognise discrimination against Buraku people and did not implement UPR recommendations concerning multiple forms of discrimination against minority/indigenous women. They recommended that Japan enact legislation to prevent discrimination against women, which addresses intersectional forms of discrimination against women belonging to minority groups.¹⁰⁸

65. JFBA noted that discrimination against the Ainu people in employment and education are still observed and measures should be promoted comprehensively in light of the historical background and indigenous nature of the Ainu people, including new legislation such as a law to prohibit discrimination against the Ainu people.¹⁰⁹

66. AI was concerned with the long-standing discrimination continued against Japan's ethnic Korean minority, especially those perceived to be aligned with North Korea. A Pyongyang-connected school and some of its graduates were excluded by the government from a programme providing tuition subsidies for high schools following the Supreme Court dismissal of a claim for damages. Four similar cases had been previously rejected by other courts.¹¹⁰

Lesbian, gay, bisexual, transgender and intersex persons

67. JFBA noted that no law prohibits discrimination or exclusion based on sexual orientation and gender identity.¹¹¹ AI, JFBA, HRN and JS4 noted at the national level, same-sex marriage is still not officially recognized, despite the district courts of Sapporo and Osaka declaring non-recognition of equal same-sex marriages unconstitutional. They recommended enacting legislation to protect LGBTI persons against arbitrary or unlawful interference with their privacy, including unauthorized disclosure of their sexual orientation and gender identity by third parties; to legalize same-sex marriage; and to end coerced sterilization of transgender people under the legal gender recognition process.¹¹²

68. JS4 further called to eliminate any discrimination based on sexual orientation and gender identity and expression by legislating an anti-discrimination law with a newly established national equality body.¹¹³

Migrants, refugees and asylum seekers

69. JFBA was concerned with the refugee recognition rate, recommending establishing procedures within international standards, and abolishing unjust restrictions on work and residence for refugee applicants.¹¹⁴ AI recommended ensuring that the Immigration Control and Refugee Recognition Act protects all migrants be against refoulement and provide effective reviews to those cases. AI also recommended ensuring that all migrants' right to personal liberty and against arbitrary detention is protected by eliminating default administrative immigration detention, including of asylum seekers and irregular migrants. It further advised that all detained migrants should have access to effective procedural safeguards.¹¹⁵

70. HRN noted that the Immigration Services Agency (ISA) continued to deny detained immigrants medical care and to detain immigrants arbitrarily and indefinitely. HRN recommended limiting immigration detention and reforming the entire refugee system in line with international standards.¹¹⁶ HO suggested non-custodial alternatives to detention, and taking a human rights-based approach to any detention.¹¹⁷ JFBA said that efforts should be made to improve the medical care system within the immigration detention facilities.¹¹⁸

71. SMJ, HRN and JFBA expressed their concern about the growing number of reported labour violations under the Technical Intern Training Program (TITP). They recommended an investigation of companies to identify the human rights abuse risks for technical interns and address any risks found.¹¹⁹ SMJ and JFBA recommended to abolish the program and set alternative ones to include all labour rights, allowing foreign workers to be permanent

residents and the introduction of a new migrant system in accordance with international standards.¹²⁰ SMJ noted that forcible sending of trainees back to their country before the termination of contract should be made illegal and punishable.¹²¹

Internally displaced persons

72. IUVENTUM, JFBA, JS9 and JS11 noted that the state of emergency based on Fukushima Daiichi Nuclear Power Plant Accident is still in effect and expressed concerns that the people of the Fukushima Prefecture, as a small fraction of the evacuated people decided to return to their home, despite the lifting of restriction of some contaminated areas.¹²² HRN, IUVENTUM and JS9 expressed concern that about 40,000 people remained displaced due to the disaster and are subsisting without sources of livelihood, compensation, or housing assistance from the government. They recommended conducting environmental impact assessments of decontamination actions and not lifting all evacuation orders in areas heavily contaminated in the 2011 nuclear disaster of return before the entire area is below the ICRP standard level, i.e. below 1 mSv/yr radiation by suspending the current return policy. They also recommended that the Government recognize all persons evacuated or self-evacuated from their homes by the Fukushima disaster as internally displaced persons (IDPs), and ensure the right to health and housing of all affected people.¹²³ JS9 also recommended the government to provide full compensation and financial support to evacuees and to allow citizens to decide whether to return or relocate on the basis of scientific evidence and free from duress and financial coercion.¹²⁴

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

ACSIL	The Association of Comprehensive Studies for Independence of the Lew Chewans, (Japan);
AI	Amnesty International, London (United Kingdom);
AIPR	The Association of the Indigenous Peoples in the Ryukyus, (Japan);
BCU	Birmingham City University's Centre, Birmingham (United Kingdom);
CCIU	Civil Council for the Implementation of ILO/UNESCO Recommendations Tokyo (Japan);
CGNK	The Center for Global Non killing, (United States of America);
ECLJ	European Centre for Law and Justice Strasbourg, (France);
HRN	Human Rights Now, Tokyo, (Japan);
HURAK	Human Rights Association for Korean Residents in Japan, (Japan);
HO	HURIGHTS OSAKA Asia-Pacific Human Rights Information Center, Osaka (Japan);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, (Switzerland);
IMADR	The International Movement Against All Forms of Discrimination and Racism, Tokyo, (Japan);
iRICH	International Research Institute of Controversial Histories, Tokyo, (Japan);
IUVENTUM	IUVENTUM, Geneva, (Switzerland);
JCREC	The Concerned Japanese Citizens for the Rights of the Child to Eradicate Child Guidance Centre Sufferings, Chiyoda-ku, (Japan);
JFBA	Japan Federation of Bar Associations, Tokyo, (Japan);
JWJP	Japanese Women for Justice and Peace, Tokyo, (Japan);
JSHT	The Japan Society for History Textbook, Tokyo, (Japan);
KCJRIMSSJ	Korean Council for Justice and Remembrance for the Issues of

SMJ	Military Sexual Slavery by Seoul (Republic of Korea);
SA	Solidarity Network with Migrants Japan, Tokyo (Japan);
WAM	Space Allies, Ichikawa (Japan);
<i>Joint submissions:</i>	Women's Active Museum on War and Peace, Tokyo (Japan);
JS1	Joint submission 1 submitted by: The Japanese Workers' Committee for Human Rights (JWCHR), Tokyo, (Japan); Organization to Support the Lawsuits for Freedom of Education in Tokyo; Scholarship Forum to support the expansion of scholarships for the people in need and the promotion of free education (Shougakukin no Kai); Japan Federation of Publishing Workers' Unions; JAL Unfair Dismissal Withdrawal Plaintiffs; League Demanding State Compensation for the Victims of the Public Order Maintenance Law (Japan);
JS2	Joint submission 2 submitted by: Japanese Liaison Council of Second-Generation Atomic Bomb Survivors, Nagasaki, (Japan); and Association of Second-Generation Atomic Bomb Survivors of Nagasaki, Tokyo, (Japan);
JS3	Joint submission 3 submitted by: The Asia-Pacific Association of Jehovah's Witnesses (APAJW), Selters, (Germany); and The European Association of Jehovah's Witnesses (EAJW) (Nepal);
JS4	Joint submission 4 submitted by: Japanese Organization for International Cooperation in Family Planning (JOICFP), Tokyo (Japan); Citizen's Project for Pharmacy access to Emergency Contraception (CIPATEC); #Nandenaino Project, SOSHIREN (Women's Network for Reproductive Freedom), Tokyo (Japan); J-ALL (Japan Alliance for LGBT Legislation) (Japan); Spring, Japan Youth Platform for Sustainability (JYPS) (Japan); Sexual Rights Initiative (SRI), Geneva, (Switzerland); and Asia Pacific Alliance for Sexual and Reproductive Health and Rights, Bangkok, (Thailand);
JS5	Joint submission 5 submitted by: Cultural Survival, Cambridge, (United States of America); Association of Comprehensive Studies for Independence of the Lew Chewan Peoples (ACSILs), Okinawa, (Japan); All Okinawa Council for Human Rights (AOCHR), Okinawa, (Japan); Nirai Kanai nu Kai (Indigenous Peoples' Organization for the Repatriation and Aerial Reburial of Ryukyuan Human Remains into original Ryukyuan Graves) Kyoto, (Japan);;
JS6	Joint submission 6 submitted by: The Advocates for Human Rights, Minneapolis, (United States of America); The World Coalition Against the Death Penalty, The Center for Prisoners' Rights (Japan) and Japan Innocence and Death Penalty Information Center (Japan);
JS7	Joint submission 7 submitted by: International Career Support Association (ICSA), Brussels (Belgium) and Nakano System Care (NSC), Tokyo (Japan);
JS8	Joint submission 8 submitted by: All Okinawa Council for Human Rights (AOCHR) and IAm (Okinawa Girls Empowerment Program), Okinawa, (Japan);
JS9	Joint submission 9 submitted by: Greenpeace International, Amsterdam (Netherlands) and International Association of Democratic Lawyers (IADL), Brussels (Belgium);
JS10	Joint submission 10 submitted by: International Federation for Human Rights (FIDH), Paris (France) and Center for Prisoners' Rights (CPR), Tokyo, (Japan);
JS11	Joint submission 11 submitted by: Chernobyl-Hibakusha Support, Kansai (CHSK) Sakai-city, (Japan), and cooperating NGOs, in consultation with "Women's International League for Peace and Freedom" (WILPF), New York

- (United States of America);
- JS12 **Joint submission 12 submitted by:** Basel Peace Office, Basel, (Switzerland); Abolition 2000 Working Group on Nuclear-Risk Reduction, Oakland, (United States of America); Aotearoa Lawyers for Peace, Coalition 3+3, Aotearoa, (New Zealand); Peace Depot, Yokohama (Japan); and World Future Council Hamburg (Germany); and Youth Fusion;
- JS13 **Joint submission 13 submitted by:** Transitional Justice Working Group (TJWG) and Citizens' Alliance for North Korean Human Rights (NKHR), Seoul (Republic of Korea).
- ² *The following abbreviations are used in UPR documents:*
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| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination; |
| ICCPR | International Covenant on Civil and Political Rights; |
| ICCPR-OP 1 | Optional Protocol to ICCPR; |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty; |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; |
| OP-CAT | Optional Protocol to CAT; |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance. |

³ AI, p. 3 and JS1, p. 4.

⁴ AI, p. 3, HO, p. 1, JS10, p. 4, BCU, p. 6

⁵ HO, p. 1.

⁶ JS5, p. 12, AIPR, p. 8

⁷ HO, p. 1

⁸ HRN, p. 2, JFBA, p. 6

⁹ HO, p. 1

¹⁰ CGNK, p. 7.

¹¹ CGNK, p. 7, ICAN, p. 1.

¹² JS4, p. 15.

¹³ CGNK, p. 4, JS13, p. 4.

¹⁴ JS13, p. 5.

¹⁵ JS13, p. 2, 3.

¹⁶ IMADR, p. 3.

¹⁷ ACSIL, p. 3 and JS9, p. 15.

¹⁸ HRN, p. 7.

¹⁹ JS5, p. 12.

²⁰ HRN, p. 5

²¹ ACSIL, p. 3

²² AI, p. 1, HO, p. 1, IMADR, p. 4.

²³ JFBA, p. 9–10.

²⁴ JS5, p. 12.

²⁵ JFBA, p. 9–10.

²⁶ HRN, p. 3.

²⁷ JSHT p. 4.

²⁸ AIPR, p. 3 and 7.

²⁹ IMADR, p. 1–2, HO, p. 1, HURAK, p. 1 and 5 and HRN, p. 3.

³⁰ IMADR, p. 1–2.

³¹ HURAK, p. 1, 3, 5–6 and JFBA, p. 4.

³² ACSIL, p. 4–6.

³³ AI, p. 3, HRN, p. 8, CGNK, p. 4, BCU, p. 6, JFBA, p. 4–5 and JS6, p. 5.

³⁴ JS10, p. 2–4.

³⁵ AI, p. 2, JS6, p. 2 and 5 and JS10, p. 24.

³⁶ JS6, p. 2 and 5 and JS10, p. 24.

³⁷ AI, p. 2, BCU, para. 11, 20 and p. 6, JS6, p. 1 and 5 and JS10, p. 2–4.

³⁸ BCU, p. 6, JS6 p. 5., AI, p. 3, HRN, p. 8, CGNK, p. 4 and JS10, p. 2–4.

³⁹ CGNK, p. 4.

- 40 BCU, p. 6.
- 41 BCU, p. 6.
- 42 JS6, p. 1 and 5.
- 43 JFBA, p. 4.
- 44 JS10, p. 2–4.
- 45 JS6, p. 1 and 5.
- 46 HRN, p. 8.
- 47 AI, p. 2.
- 48 JS10, p. 2–4.
- 49 CGNK, p. 5.
- 50 JWJP, p. 1, 2.
- 51 JS12, p. 8 and J12, p. 5, 7, 10 and 15.
- 52 J1, p. 15–7.
- 53 JS13, p. 4.
- 54 JS3, p. 10.
- 55 HRN, p. 6.
- 56 JS1, p. 6–7 and CCIU, p. 5–6. The former states its objective as implanting patriotism in students, and the latter states that one who refuses the same order three times be dismissed. See also The ILO/UNESCO Joint Expert Committee on the Application of the Recommendation on the Status of Teachers (CEART); https://www.ilo.org/global/industries-and-sectors/education/WCMS_364850/lang--en/index.htm
- 57 CCIU, p. 5.
- 58 JFBA, p. 6.
- 59 ECLJ, p. 6, JFBA, p. 8 and 11.
- 60 ECLJ, p. 5–6.
- 61 WAM, p. 3. See also iRICH recommendation to the government to continue to state that there was no forced abduction and that comfort women were not victims of “sexual slavery,” based on various historical facts.
- 62 KCJRMSSJ, p. 9–10.
- 63 AI, p. 5 and WAM, p. 2–3.
- 64 AI, p. 5.
- 65 iRICH, p. 3.
- 66 KCJRMSSJ, p. 10, WAM, p. 3.
- 67 JFBA, p. 6.
- 68 JS1, p. 14.
- 69 JFBA, p. 7.
- 70 JS9, p. 10.
- 71 ACSIL, p. 5 and JS8, p. 12.
- 72 JS9, p. 7–8 and 11.
- 73 JS11, p. 5–6.
- 74 JFBA, p. 7.
- 75 JS2, p. 6.
- 76 SA, p. 1 and 3, JS4 p. 15.
- 77 JS1 p. 7.
- 78 JFBA, p. 7–8.
- 79 JS1, p. 11
- 80 ACSIL, p. 3.
- 81 JS4, p. 15.
- 82 HURAK, p. 1, 3, 5–6.
- 83 JFBA, p. 7.
- 84 IUVENTUM, p. 1–3, JS9, p. 7 and JS11, p. 5.
- 85 JS9, p. 7–8, 11 and 13.
- 86 JFBA, p. 3.
- 87 HRN, p. 8.
- 88 JFBA, p. 8.
- 89 JS4, p. 15, HRN, p. 1 and JFBA, p. 8.
- 90 HO, p. 2, HRN, p. 1, ACSIL, p. 8.
- 91 HO, p. 2.
- 92 JS8 p. 8 and 10.
- 93 JFBA, p. 8.
- 94 JFBA, p. 9.
- 95 JCREC, p. 3, 6–7.

- ⁹⁶ ECLJ, p. 6 and HRN p. 5.
⁹⁷ HRN p. 5–6.
⁹⁸ ECLJ, p. 5–6.
⁹⁹ HRN, p. 5
¹⁰⁰ JFBA, p. 5, p. 9.
¹⁰¹ JFBA, p. 5, 9 and 10.
¹⁰² JS4 p. 15.
¹⁰³ ACSIL, p. 3–5.
¹⁰⁴ JS5, p. 12.
¹⁰⁵ JS5, p. 12, JS8, p. 3 and AIPR, p. 3 and 7.
¹⁰⁶ ACSIL, p. 4–6.
¹⁰⁷ JFBA, p. 10.
¹⁰⁸ JS8, p. 10 and IMADR, p. 5.
¹⁰⁹ JFBA, p. 10.
¹¹⁰ AI p. 3–4.
¹¹¹ JFBA, p. 3.
¹¹² AI, p. 3, HRN, p. 7, JFBA, p. 3, and JS4, p. 15.
¹¹³ JS4 p. 15.
¹¹⁴ JFBA, p. 10–11.
¹¹⁵ AI, p. 3.
¹¹⁶ HRN, p. 4.
¹¹⁷ HO, p. 1.
¹¹⁸ JFBA, p. 5.
¹¹⁹ HRN, p. 3, JFBA, p. 10–11 and SMJ, p. 1.
¹²⁰ JFBA, p. 10–11 and SMJ, p. 1.
¹²¹ SMJ, p. 1.
¹²² IUVENTUM, p. 1–3, JS9, p. 7 and JS11, p. 5.
¹²³ HRN, p. 7, IUVENTUM, p. 1–3, JS9, p.7 and JS11, p. 5.
¹²⁴ JS9, p. 8–10.
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