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### **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

#### **Japan\***

The present report is a summary of 30 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

## **I. Background and framework**

### **A. Scope of international obligations**

1. According to Amnesty International (AI) despite Japan agreeing to consider ratifying the First Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities, and the Optional Protocols to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to the Convention on the Elimination of All Forms of Discrimination against Women and to the International Convention on the Elimination of All Forms of Racial Discrimination none have been ratified.<sup>2</sup>

2. Joint Submission 12 (JS12) stated that there had been no progress towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>3</sup>

3. Joint Submission 10 (JS10) recommended ratifying the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime and the Council of Europe Convention on Cybercrime.<sup>4</sup> New Japan Women's Association (NJWA) recommended taking steps for the ratification of the Optional Protocol to CEDAW.<sup>5</sup>

4. Japan Federation of Bar Associations (JFBA), Joint Submission 2 (JS2) and Joint Submission 6 (JS6) indicated that Japan had not joined any international communication procedures despite recommendations made by several human rights bodies and the Universal Periodic Review (UPR) mechanism.<sup>6</sup>

5. Joint Submission 7 (JS7) considered necessary to implement complete visualization of police investigation and an early establishment of the individual communication procedure for those whose human rights were violated but whose damages were not relieved by legal procedures at the national level so that they could complain to the United Nations human rights bodies.<sup>7</sup>

6. JS6 acknowledged the support given by Japan to the adoption of the Third Optional Protocol to the Convention on the Rights of the Child, but Japan had not indicated its intention to ratify it. JS6 recommended its ratification.<sup>8</sup>

### **B. Constitutional and legislative framework**

7. JFBA stated that cases in which treaties were directly or indirectly applied in domestic courts were rare.<sup>9</sup> According to Human Rights Now (HRN) courts were reluctant to apply international human rights treaties as judicial norms and disregard the general comments of treaty bodies in their interpretations of various treaty obligations.<sup>10</sup>

8. JS10 noted that there was no comprehensive legal framework on children's rights. It added that the law addressing child pornography was not in compliance with international standards and recommended to provide a clear definition of the sale of children.<sup>11</sup>

## C. Institutional and human rights infrastructure and policy measures

9. HRN questioned the independence and the compliance with Paris Principles of the National Human Rights Institution (NHRI) proposed in the 2011 draft legislation to establish a NHRI under the Minister of Justice.<sup>12</sup> JS2 stated that the proposed NHRI would not address the problematic discrimination issues (harassment against Korean schools, discriminatory speech against women or sexual minorities, etc.). JS2 considered that the NHRI should be organizationally, financially and functionally independent in line with the Paris Principles; the requirement of the commissioners should include expertise in human rights activities and remedies and the participation of the minorities should also be ensured. It further stated that an anti-discrimination law should be adopted along with the law on the NHRI.<sup>13</sup> AI expressed also concerns regarding the independence of the envisaged NHRI.<sup>14</sup>

10. AI stated that Japan had made little and in some cases no progress in implementing 2008 UPR recommendations.<sup>15</sup> HRN indicated that the implementation status of UPR was poor and Japan had not established a National Action Plan for the protection and promotion of human rights and there were no special Governmental or Parliamentary institutions in charge of human rights.<sup>16</sup> JS7 indicated that Japan did not implement the United Nations human rights mechanism's recommendations and there is no administrative agency in a position to make an overall evaluation.<sup>17</sup>

11. JFBA indicated that the government had failed to take any action to involve civil society in follow up to the UPR, which was recommended at the first UPR. Furthermore, consultation with civil society during the preparatory process for the second UPR was merely a formality.<sup>18</sup> HRN added that the Government had yet to convey a consultation with civil society regarding the UPR follow-up.<sup>19</sup>

12. According to Asia-Japan Women's Resource Center (AJWRC), although the Gender Equality Bureau of the Cabinet office was involved in the preparation process for State follow-up report for the second review, its participation was partial and not responsible for systemic integration of gender perspectives in the overall follow-up process.<sup>20</sup>

13. Joint Submission 1 (JS1) welcomed the pledge made by Japan before the Human Rights Council in 2011 to follow up on the UPR and the human rights treaty bodies' recommendations as well as proactively promote and protect human rights.<sup>21</sup> JFBA acknowledged the establishment of the Office for the Implementation of Human Rights Treaties within the Ministry of Foreign Affairs.<sup>22</sup>

14. NJWA indicated that in 2010 Japan adopted the Third Basic Plan for Gender Equality however the question would be the implementation.<sup>23</sup>

15. Joint Submission 8 (JS8) welcomed the inclusion of lesbian, bisexual women and transgender people in the Third Basic Plan for Gender Equality.<sup>24</sup>

## D. Cooperation with human rights mechanisms

### 1. Cooperation with treaty bodies

16. Japan Network on Education for the Advancement of Gender Equality (JNEAGE) indicated that Japan had not start to take a step forth about the enforcement of recommendations on the Rights of Children.<sup>25</sup>

### 2. Cooperation with special procedures

17. JS12 recommended implementing the recommendations made by the UN Special Rapporteur on the human rights of migrants in 2010.<sup>26</sup>

18. The Japan Victims' Association Against Religious Kidnapping and Forced Conversion (VAARKFC) recommended inviting the United Nations Special Rapporteur on Freedom of Religion or Belief to investigate and make recommendations to the government on freedom of religion.<sup>27</sup>

## **E. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

19. NJWA noted that Japan remained the lowest-ranked among the industrialized nations in terms of the progress in the promotion of gender equality.<sup>28</sup>

20. According to Space Allies (SA), although Japan had placed achievement of gender equality and promoting empowerment of women as a priority. There was no budget earmarked for ensuring the improvement of women's social and economic rights in the field of distribution of budget for development.<sup>29</sup>

21. AJWRC expressed concerns about gender discrimination in the provision of the relief fund and compensation money for affected households and recommended preparing gender-disaggregated data and monitoring gender impacts of the earthquake and the nuclear disaster.<sup>30</sup>

22. AI indicated Ainu, Burakamin and Okinawans, continued to face discrimination. It added that national legislation did not provide protection against direct or indirect discrimination on the basis of age, gender, religion, sexual orientation or nationality.<sup>31</sup> JFBA highlighted the establishment of the Council for Ainu Policy Promotion in 2009; however it considered that more comprehensive measures should be implemented.<sup>32</sup>

23. AI stated that there had been demonstrations against the presence of Korean and Chinese communities leading to abuses and, in some instances, damage to their property.<sup>33</sup> JFBA, AJWRC and HRN also expressed concerns regarding these foreign communities' situation.<sup>34</sup>

24. Regarding foreign residents affected by earthquake, JS2 recommended to enact a law to prohibit discrimination at the time of disaster and emergency and to create a council to have consultation with foreign residents.<sup>35</sup>

25. According to SA there is no legislation to prohibit discrimination on the ground of sexual orientation or gender identity. As a result, this kind of discrimination is prevalent, therefore lesbian, gay, bisexual and transgender (LGBT) people often cannot obtain appropriate support, many of them are often subjected to harassment, sometimes resulting in committing suicide, resignation, and dismissal from work. SA also noted that LGBT people did not have access to social services due to lack of understanding of the public officers and users of the public facilities.<sup>36</sup>

26. JS8 said that the situation faced by LGBT persons was characterized by invisibility, marginalization, silent prejudice and stigmatization. It added that LGBT persons were subjected to human rights violations including discrimination in all aspects of life such as education, employment, housing and health care. JS8 noted that cases of human rights violations against LGBT persons had not been adequately documented and suggested the adoption of anti-discrimination legislation.<sup>37</sup>

### **2 Right to life, liberty and security of the person**

27. Joint Submission 3 (JS3) indicated that the death penalty process was cloaked in secrecy and reminded that many organizations requested the establishment of an official,

transparent, and professional death penalty review body to make public recommendations for reform.<sup>38</sup> AI, JS12 and JFBA expressed similar concerns.<sup>39</sup>

28. HRN further stated that Japan had not taken any measure to either abolish or introduce a moratorium on the death penalty. It indicated that three death row inmates were executed on March 2012 and it was the first execution since July 2010. As of 12 January 2012, the number of death row inmates is 130, the largest number since World War II.<sup>40</sup> Regarding human rights violations on death row, Joint Submission 9 (JS9) indicated that despite the repeated recommendations by United Nations bodies, rights of death row inmates were strictly limited. It added that contacts between prisoners and people outside were also strictly restrained.<sup>41</sup>

29. Regarding detention conditions, JS9 indicated that the areas of health, sanitation and medical treatment were some of the domains whose problems remained unsolved. It expressed concerns for inhuman and abusively strict discipline, including solitary confinement, unreasonable restrictions on communication with the outside world and inadequacy of the grievance mechanism. It recommended taking necessary measures to ensure effective inspection by the Boards of Visitors for Inspection of Penal Institutions.<sup>42</sup>

30. AI expressed concerns about the *daiyo kangoku* system that continued to be used to obtain confessions through torture and other cruel, inhuman or degrading treatment.<sup>43</sup> JFBA stated that suspects could be investigated for an unlimited period of time without the presence of a defense attorney. Video recordings of the interrogation process by prosecutors were taken only after a confession was documented in the statement. Cases of interrogation by police officers being video-recorded had been extremely limited.<sup>44</sup> HRN said that the video recording of entire custodial interrogation had not yet been introduced. Although the Public Prosecutor's Office had started a trial of video recording on custodial interrogations, this trial covered limited cases.<sup>45</sup>

31. HRN stated that wrongful conviction cases based on false confessions had been revealed and former defendants who were sentenced to life in prison were exonerated.<sup>46</sup> JS7 noted that the cause of false accusation rested with the methods of police investigations in squeezing false confessions.<sup>47</sup>

32. AJWRC stated that in the aftermath of the earthquake, cases of sexual assaults and domestic violence were reported. It also noted a gradual increase of incidences of domestic violence in the affected areas, after a year.<sup>48</sup>

33. AJWRC indicated that while reconsideration of the rape law was included in the Third Gender Equality Basic Plan no concrete steps were made. It recommended revising the rape law that excludes other forms of sexual assaults and expanding emergency and long-term support system for victims of gender-based violence.<sup>49</sup>

34. JS12 noted that despite the progress made, domestic violence continued to take place particularly in the case of mixed marriages.<sup>50</sup> Joint Submission 5 (JS5) considered the emergency telephone consultation service to victims of violence as a best practice.<sup>51</sup>

35. According to SA, victims of sexual exploitation and human trafficking did not receive the deserved assistance and protection, and sometimes they were not even recognized as victims, and were deported with no remedy. There was not much support for victims to stay in Japan, and to reintegrate themselves into society, although a CEDAW recommendation. It added that quality support and appropriate care and facilities for social and mental support for victims were very limited.<sup>52</sup>

36. JS10 stated that the existing facilities accommodating both children and adults are not specialized enough to ensure effective support to child victims of sex trafficking.<sup>53</sup>

37. JFBA indicated that Japan had not considered revising the Anti-Prostitution Act that prosecuted prostitutes while customers were not penalized.<sup>54</sup>

38. According to JS1 alleged cases of child abuse had risen to their highest level since records began 10 years ago. It added that the number of child abuse cases reported to Municipal Child Centres had increased to their highest in 2010. Responding to it, Japan revised the Civil Code in 2011 and included the principle of the best interests of the child when those with parental authority discipline their children. However, for JS1 the parental authority itself remained the same as before.<sup>55</sup>

39. JFBA indicated that corporal punishment in schools continued. It added that there was a lack of understanding of the complexity of bullying among children cases.<sup>56</sup> Global Initiative to End All Corporal Punishment of Children (GIEACPC) said that the legality of corporal punishment had not changed since Japan's UPR in 2008.<sup>57</sup>

40. SA noted that Japan did not take appropriate measures, including financial measures, to assist the physical and mental recovery and social integration of girls' victims of violence. It added that it was difficult for victims of child prostitution and incest to report the case, in particular, in the case of crime by her family member. SA said that Japan should legislate aggravated punishment for incest.<sup>58</sup>

### **3. Administration of justice, including impunity, and the rule of law**

41. According to HRN an important cause of wrongful conviction was insufficient pre-trial disclosure of evidence to the defence. Although the current Code of Criminal Procedure had a provision of disclosure, it was not full disclosure and contained no rules for the discovery of exculpatory evidence as noted by HRN. Referring to a fabrication of evidence case in September 2010 by the chief prosecutor in Osaka, HRN further stated that the Ministry of Justice established expert committees to prevent prosecutor's misconduct and review the criminal justice system, though no proposal had been made regarding the disclosure of evidence.<sup>59</sup>

42. JFBA further stated that education and training on international human rights law for judiciary and law enforcement agencies remained insufficient and had not been improved.<sup>60</sup>

43. JS11 (Joint Submission 11) stated that Japan had not taken any action to provide post-war reparations in the context of its colonialist history. JS11 further stated that Zainichi Koreans were not given suffrage because of their lack of Japanese nationality, thus excluding them from the sphere of political and public activities.<sup>61</sup>

44. Foundation of Japanese Honorary Debts (FJHD) indicated that Japan had acknowledged its moral obligations regarding the enforced sexual slavery ("comfort women") by facilitating the Asian Woman's Fund. However Japan had refused to consider its overall moral responsibilities and continued to refuse to seek a solution through a generally accepted acknowledgement of the facts including the repair of the psychological and physical damage.<sup>62</sup> Similar concerns were raised by JS12.<sup>63</sup> HRN stated that there had been no progress in this matter since 2008.<sup>64</sup>

45. AI indicated that "comfort women" had suffered from physical and mental ill-health, isolation, shame and often extreme poverty as a result of their enslavement. AI noted that compensation offered by Japan had failed to meet international standards on reparation.<sup>65</sup>

46. According to the Korean Council for the Women Drafted for Military Sexual Slavery (KCWDMSS) the report by United Nations Special Rapporteur on Violence against Women indicated that victims of sexual crimes do not want to receive economic compensation without an official apology and official recognition of State responsibility.<sup>66</sup>

47. According to WAM (Women's Active Museum on War and Peace), the Asian Women's Fund which the Government of Japan keeps referring to as its response to the issue of "comfort women" was not accepted by the survivors. The fund was terminated in March 2007.<sup>67</sup> JFBA considered that Japan should fulfil its legal responsibility by establishing an investigative body to uncover the truth regarding the "comfort women" issue.<sup>68</sup> Japan Federation of Women's Organizations (FUDANREN) considered that Japan must realize official apology and individual compensation for victims; punishment for perpetrators and: education of the people.<sup>69</sup> NJWA recommended taking action for resolving the issue through legislation, in response to the recommendations from international institutions and to the demands of survivors.<sup>70</sup>

48. KCWDMSS recommended admitting the definite national responsibility for the crimes of sexual slavery; implementing legal reparation and fulfilling the Korea-Japan Treaty, 1965.<sup>71</sup>

#### **4. Right to privacy, marriage and family life**

49. JS12 added that children born out of wedlock suffered discrimination, as well as children belonging to ethnic minorities, children of non-Japanese nationality, children of migrant workers, refugee children and children with disabilities.<sup>72</sup>

50. JFBA indicated that a bill to amend the Civil Code discriminatory provisions against women (minimum age for marriage, waiting period for remarriage and choice of surnames for married couples) had not been submitted.<sup>73</sup> The Association for the Support of Children out of Wedlock (ASCW); HRN, AI, AJWRC, NJWA and FUNDAREN expressed similar concerns.<sup>74</sup>

51. SA indicated that children born out of wedlock continued to be discriminated against through the family registry system and in provisions on inheritance.<sup>75</sup> ASCW recommended eliminating the concept of legitimacy from all laws and administrations and change the family registry forms.<sup>76</sup>

52. JS12 recalled the 2011 CRC recommendation to avoid statelessness for children and recommended ratifying the 1954 United Nations Convention Relating to the Status of Stateless persons and the 1961 United Nations Convention on the Reduction of Statelessness.<sup>77</sup>

#### **5. Freedom of, religion or belief, expression, association and peaceful assembly and, right to participate in public and political life**

53. HRN, as well as other organizations, indicated that freedom of thought and conscience was threatened in public schools as teachers were ordered (and punished if not) to sing the national anthem Kimigayo under the Hinomaru flag during public ceremonies.<sup>78</sup> Working Women's Network (WWN) expressed similar concerns.<sup>79</sup>

54. Human Rights Without Frontiers (HRWF) had documented the abduction and confinement of citizens for the purpose of religious de-conversion, and the failure of police and judicial authorities to investigate and prosecute those cases. It added that in 2011, at least four adult converts to the Unification church were abducted by their parents to attempt to force they to change their religion, while in 2010 and 2009, there were nine and three known cases, respectively.<sup>80</sup> VAARKFC and Universal Peace Federation (UPF) expressed similar concerns.<sup>81</sup>

55. JFBA stated that the participation of women in important policy-making processes was rare, and there had not been any measure introduced to eliminate this disparity.<sup>82</sup> FUDANREN indicated that the Female Diet members in the House of Representatives account for only 11.3%.<sup>83</sup> AJWRC and others organisations indicated that women's

participation in decision-making for reconstruction process after the earthquake had been limited.<sup>84</sup>

**6. Right to work and to just and favourable conditions of work**

56. JNEAGE stated that wages had been dropping during the last ten years and 35% of workers had been driven to be irregular (54.7% of them were women), particularly young people.<sup>85</sup>

57. According to FUDANREN more than half of female workers worked as non-regular workers with low wages and without rights. It added that part-time female workers earn only 49.5% of male regular worker's wage. FUDANREN stated that an equal treatment between regular work and contingent work had not progressed. It added that compensation for social work supporting childcare and nursing care was too low. It recommended revising the Equal Employment Opportunity Law for Men, Women, the Part-time Worker's Law and the Labor Standards Law. It also recommended ratifying the ILO Convention 175 concerning Part-Time Work and enactment of an equal employment law between men and women.<sup>86</sup>

58. JS7 indicated that regular workers were forced to overwork for prolonged hours, which resulted in an increasing number of *karoshi* (fatigue death) and suicide. It recommended investigating and researching on overwork-related death and enacting of *Karoshi* Prevention Act and stricter penalties to violator industries.<sup>87</sup> JFBA further stated that these working conditions not only made it difficult for permanent workers to maintain work life balance, but also act as an obstacle to giving regular positions to women in particular, who were traditionally expected to bear family responsibility.<sup>88</sup>

59. FUDANREN further indicated that dismissals and other disadvantageous practices against women workers due to their pregnancy and childbirth were prevalent.<sup>89</sup> AJWRC stated that women's full participation in the labor force was hindered by the lack of efficient public childcare and other social services.<sup>90</sup>

60. NJWA stated that gender-roles perception and growing non-regular employment had made the already difficult situation of women in the disaster areas harder.<sup>91</sup>

61. JS7 stated that national public employees were not allowed to exercise the right to strike and the law prohibited all political activities of public employees.<sup>92</sup>

**7. Right to social security and to an adequate standard of living**

62. AJWRC indicated that the poverty gender gap was increasing and recommended integrating gender perspectives in preparation of poverty alleviation plans with full participation of civil society.<sup>93</sup>

63. JFBA stated that in 2009, it was revealed that one out of seven children aged 17 or younger and more than half of single parents lived in poverty. It recalled CRC recommendations on the effective collection of child-support payments to eradicate poverty among children.<sup>94</sup>

64. Joint Submission 4 (JS4) indicated that Japan had not taken the necessary legislative, administrative and other measures to protect the right to life, survival and development, the right to health and the right to play of the children of Fukushima.<sup>95</sup> The Istituto Internazionale Maria Ausiliatrice (IIMA) recommended monitoring radiation levels in schools and carry out the proper decontamination, beginning with those places most frequently occupied by children and pregnant women.<sup>96</sup>

## 8. Rights to health

65. According to HRN the lack of adequate health services had resulted in a number of deaths as an indirect result of the earthquake and the evacuation. It added that the health examination services had been insufficient. The examination of internal exposure had been conducted only for a small number of people. The Fukushima residents who wish to receive the health check-up service were put in a long waiting list and urine and blood testing had yet to be conducted.<sup>97</sup>

66. JS4 stated that Japan should make appropriate compensation health treatment for radiation risks for children of Fukushima and their families. It added that access to accurate information about radiation and its effect was rarely provided by the local authorities and by central government.<sup>98</sup>

67. HRN was concerned of the consumption of food exposed to nuclear radiation. It added that the tentative standard the Government used to test food after the Fukushima Daiichi nuclear power plant disaster was low compared to standards set by World Health Organization.<sup>99</sup>

68. JS4 stated that local communities in the affected areas had complained about the lack of correct information about radiation and expressed serious concerns regarding impacts of the nuclear crisis.<sup>100</sup> JFBA added that information on evacuation plans was not satisfactory.<sup>101</sup> JNEAGE expressed similar concerns and added that measures to protect children and women from the exposure to radiation were delayed.<sup>102</sup> IIMA criticized some information campaigns promoted immediately after the disaster aimed at reducing the concern about the radiation exposure to children.<sup>103</sup>

## 9. Right to education

69. According to IIMA, the educational system, despite its performance, was too competitive and did not encourage creativity; students did not have much freedom and rejected individual differences. IIMA indicated that discrimination in education against vulnerable groups persisted.<sup>104</sup> According to JNEAGE, teachers were in a system of competition, suffering from administrative control, long working hours, discriminatory wages, forced transfer, forced training and often driven to suicides.<sup>105</sup>

70. JS7 indicated that in 2010, the free high school tuition system was realized however Korean high schools were excluded from this system. It reminded the recommendation of CERD regarding no discrimination in the provision of educational opportunities.<sup>106</sup> JS2 further recommended reviewing discrimination in this regard, against minority schools.<sup>107</sup>

71. WWN referred to the problems caused by the education reform in Osaka Prefecture, *inter alia*, the involvement of the Prefectural Governor in the preparation of the Basic Plan on Education, the concern that the freedom of thought and conscience of the teachers will not be protected<sup>108</sup> and the Ordinance will impoverish education in Osaka and the full development of children will be obstructed.<sup>109</sup>

72. JS11 stated that ethnic schools such as Korean schools, Chinese schools and Brazilian schools were not entitled to receive financial subsidies or preferential tax treatment. It added that graduates from these schools were not recognized as qualified to sit university entrance examinations and were excluded from the application of government school health policies.<sup>110</sup>

73. WAM indicated that the “comfort women” issue did not appear in textbooks in mandatory education until 1997 and most adults had not had a chance to learn about this issue. WAM considered it important to provide other means of educating people about “comfort women”. It added that in 2012, the term “comfort women” cannot be found in any compulsory education textbook and recommended including references to the “comfort

women” system in history textbooks used in compulsory education.<sup>111</sup> KCWDMSS recommended establishing an administrative measure to ensure recording accurately facts of “comfort women”, in the history textbooks and educate its own citizens and future generation.<sup>112</sup>

74. JNEAGE stated that the restoration and reconstruction of schools in the stricken areas was delayed. It added that because of the widespread disaster radioactive materials, school children could not study in a safe environment. Measures to protect children from radioactive materials, such as evacuation in a body, had not been taken.<sup>113</sup>

#### **10. Persons with disabilities**

75. JFBA suggested ratifying the Convention on the Rights of Persons with Disabilities (CRPD) and enacting domestic legislation to protect persons with disabilities that meets the standards of CRPD under the principle of full participation and equality of persons with disabilities.<sup>114</sup>

76. IIMA noted that despite several laws and measures adopted by Japan in favour of children with disabilities, deep rooted discrimination still existed especially in the access to public schools where they continued to have limited access due to lack financial resources for the necessary equipment and facilities, as well as adequate programs. IIMA further stated that children with disabilities were generally educated in special schools. However the number of these schools was inadequate.<sup>115</sup>

#### **11. Minorities and indigenous peoples**

77. JS11 stated that Japan did not conduct any surveys and had no data regarding the status of minority women and there were no specific plans to address the problems faced by women belonging to minorities, especially Ainu, Buraku and Zainichi Korean. JS11 further indicated that there were no minority woman representatives to any policy advisory committees or any conferences under the gender equality bureau. JS11 recommended taking specific measures of issues faced by women belonging to minorities in the fields of education, employment, welfare, health and violence.<sup>116</sup>

78. AJWRC stated that while minority women concerns would be addressed in the Third Gender Equality Basic Plan, Japan had not produced gender-disaggregated data and nor had held consultation.<sup>117</sup>

79. JS11 indicated that the living standards of Ainu people were far below than those of the general population. Ainu women were subject to multiple forms of discrimination and there was no legal means or recourse to improve their situation.<sup>118</sup>

80. JS11 expressed concerns for low school attendance and education enrolment rate and illiteracy among Buraku women. It added that occupational opportunities and wages were affected by their origin.<sup>119</sup>

#### **12. Migrants, refugees and asylum-seekers**

81. AJWRC stated that minority women and migrant women continued to face discrimination and marginalization in terms of employment, education, participation in decision-making, access to social security, and access to justice. AJWRC added that under the new immigration control system legislated in 2009, foreign-born spouses of Japanese nationals who had failed to perform as spouse without legitimate reasons may lose their residence permits, which may increase risks for victims of domestic violence.<sup>120</sup> JS2 expressed similar concerns.<sup>121</sup>

82. JFBA stated that there had not been any progress in the development of domestic laws aiming at guaranteeing the rights of immigrants, and discrimination existed in the areas of labor, education, social security and public participation.<sup>122</sup>

83. JS12 indicated that migrant workers support Japanese industry at the very bottom of the system; their wages have been kept very low, and they are forced to work at night and overtime performing heavy and tiring jobs. Under the “Trainee System” programmes, trainees from overseas usually obtain three-year visas and work for a minimum wage which falls below the established “Labour Standards Law.” The present situation leaves migrant workers vulnerable to exploitation.<sup>123</sup>

84. JS12 recommended adopting and implementing a comprehensive policy to address the situation of undocumented migrant workers and refraining from using detention in cases of undocumented migrant workers.<sup>124</sup>

85. Regarding the refugee status recognition system, JFBA stated that, despite the 2008 UPR recommendations, the government had not taken any action to establish an independent appeal mechanism; to harmonize the refugee status recognition procedure with relevant international human rights treaties and to improve access of asylum seekers to the legal aid system.<sup>125</sup>

86. JS12 commended the progress achieved by Japan in instituting a system for refugees to file objections, following the principle of non-refoulement and not deporting those who were applying for recognition of refugee status and the review of the rejected cases. However it recommended discontinuing the use of the Hotline Programme against migrants, foreigners, asylum seekers and refugees, which was inciting racial discrimination and xenophobia.<sup>126</sup>

87. AI indicated that in 2011, 1,867 individuals applied for asylum, up from 1,388 in 2010. Despite this increase, the government recognized only 21 applicants for refugee status in 2011, compared to 39 in 2010. It added that because asylum-seekers did not receive sufficient support, many lived in poverty and some were forced to work illegally. AI further stated that once a deportation order had been issued against failed asylum seekers, they could be detained indefinitely. AI further stated that migrants and asylum seekers held in detention centers had complained of poor conditions, including inadequate access to medical care, and lack of independent inspection of conditions.<sup>127</sup>

### 13. Internally displaced persons

88. JS7 stated that the Government should establish long term program to set up a solid framework of reconstruction for financial as well as physical support to the local governments and to earthquake disaster victims.<sup>128</sup>

89. HRN stated that most of the evacuation centers were set up without taking measures to protect privacy and without giving due consideration to the needs of residents, in particular children, women, people with disabilities and the elderly. It added that the condition of the shelters was poor and some of them located in hazardous risk areas.<sup>129</sup>

90. JNEAGE indicated that evacuated people and families from the warning area had not been guaranteed the compensation.<sup>130</sup>

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status);

*Civil society*

AI	Amnesty International, London, United Kingdom;
AJWRC	Asia-Japan Women's Resource Center, Tokyo, Japan;
ASCW	Association for the Support of Children out of Wedlock, Japan;
FJID	Foundation of Japanese Honorary Debts, The Hague, Netherlands;
FUDANREN	Japan Federation of Women's Organizations, Tokyo, Japan;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, United Kingdom;
HRN	Human Rights Now, Tokyo, Japan;
HRWF	Human Rights Without Frontiers, Brussels, Belgium;
IIMA	Istituto Internazionale Maria Ausiliatrice, Roma, Italia;
JFBA	Japan Federation of Bar Associations, Japan;
JNEAGE	Japan Network on Education for the Advancement of Gender Equality, Japan;
JS1	Joint Submission 1 by Campaign for Ending Violence against Children Japan;
JS2	Joint Submission 2 by Japan NGO Network for the Elimination of Racial Discrimination, Tokyo, Japan;
JS3	Joint Submission 3 by the Advocates for Human Rights in collaboration, USA, with The World Coalition against the Death Penalty, France;
JS4	Joint Submission 4 by Save the Children Japan in consultation with and jointly signed by Fukushima network for saving children from radiation;
JS5	Joint Submission 5 by Japan Network in Support of Forced Labor Litigations, Japan and East Timor Japan Coalition, Japan;
JS6	Joint Submission 6 by NGO group for the Convention on the Rights of the Child/Japan, Japan;
JS7	Joint Submission 7 by the Japanese Workers' Committee for Human Rights, Japan and the Organization to Support the Lawsuits for Freedom of Education in Tokyo;
JS8	Joint Submission 8 by the Gay Japan News and Rainbow ACTION;
JS9	Joint Submission 9 by International Federation for Human Rights, France and Center for Prisoners' Rights, Japan;
JS10	Joint Submission 10 by ECPAT/STOP Japan and ECPAT Japan Kansai in collaboration with ECPAT International;
JS11	Joint Submission 11 by The International Movement against all forms of Discriminations and Racism- IMADR-JC, Japan;
JS12	Joint Submission 12 by Franciscans International, USA, and Congregation of Our Lady of Charity of the Good Shepherd, Italy;
KCWDMS	The Korean Council for the Women Drafted for Military Sexual Slavery, Seoul Republic of Korea;
NJWA	New Japan Women's Association, Japan;
SA	Space Allies;
UPF	Universal Peace Federation, USA;
VAARKFC	Japan Victims' Association Against Religious Kidnapping and Forced Conversion, Japan;
WAM	Women's Active Museum on War and Peace, Japan;
WWN	Working Women's Network, Japan.

<sup>2</sup> AI, p.1.

<sup>3</sup> JS12, p.2, para 4. See also JS5, pp.2 and 3.

<sup>4</sup> JS10, p.2.

<sup>5</sup> NJWA, p.4, para 7.2.

<sup>6</sup> JFBA, p.2, para. 2; JS2, p.3 and JS6 p.2. See also HRN, p.2, para II. 2; JS5, p.2 and FUDANREN, p.2, para. 3.

<sup>7</sup> JS7, p.4, (3).

<sup>8</sup> JS6, pp.1-2.

<sup>9</sup> JFBA, p.2, para.3. See also JS7, p.6, (5).

- <sup>10</sup> HRN, p.1, I, para. 5.
- <sup>11</sup> JS10, pp.3 and 4.
- <sup>12</sup> HRN, p.2, II para.1. See also JFBA, p.2, para. 4.
- <sup>13</sup> JS 2, p.1. See also JS8 p. 1 and JS10, p.7.
- <sup>14</sup> AI, p.1.
- <sup>15</sup> AI, p.1.
- <sup>16</sup> HRN, p.1, I, paras. 2- 4.
- <sup>17</sup> JS7, p.2, (1).
- <sup>18</sup> JFBA, p.2, para.1.
- <sup>19</sup> HRN, p.1, I, para.2. See also FUDANREN, p.2, para.2.
- <sup>20</sup> AJWRC, p.3.
- <sup>21</sup> JS1, p.2.
- <sup>22</sup> JFBA, p.2, para. 2.
- <sup>23</sup> NJWA, p.2, para.2.
- <sup>24</sup> JS8, p.1.
- <sup>25</sup> JNEAGL, p.1.
- <sup>26</sup> JS12, p.3, Recommendation 4.
- <sup>27</sup> VAARKFC, p.5, Section D.
- <sup>28</sup> NJWA, p.2, para.2.
- <sup>29</sup> SA, pp 8 and 9, para. 5.
- <sup>30</sup> AJWRC, p.4.
- <sup>31</sup> AI, p.4.
- <sup>32</sup> JFBA, p.2, para.1. See also JS2, p.7.
- <sup>33</sup> AI, p.4.
- <sup>34</sup> JFBA, p.4, para. 11; AJWRC, p.1 and HRN, p.4, III, para.4.
- <sup>35</sup> JS2, p.15, Recommendation g.
- <sup>36</sup> SA, p.3.
- <sup>37</sup> JS8, p.1.
- <sup>38</sup> JS3, p.3, para. 9.
- <sup>39</sup> AI, p.2; JS12, paras 18-22 and JFBA, p.4, paras. 13 and 14.
- <sup>40</sup> HRN, p.2, III, para. 1. See also JS12 p.4, para. 18 and JS9, p.8, paras.1 and p.10, para.14.
- <sup>41</sup> JS9, p.12, paras. 25 and 27.
- <sup>42</sup> JS9, pp.3-6, paras. 9-25.
- <sup>43</sup> AI, p.2. See also JFBA p.5, para. 15; HRN, p.3, III, para.2; JS3 para 13.
- <sup>44</sup> JFBA, p.6, para. 20. See also JS12, para.11.
- <sup>45</sup> HRN, p.3, III, para. 2-1.
- <sup>46</sup> HRN, p.3, III, para 2-1.
- <sup>47</sup> JS7, p.4, (3).
- <sup>48</sup> AJWRC, p.4.
- <sup>49</sup> AJWRC, p.2. See also JFBA, p.5, para.16 and SA, p.5.
- <sup>50</sup> JS12, p.4, para.16. See also JS2, p.12.
- <sup>51</sup> JS5, p.5. See also JS2, p.12.
- <sup>52</sup> SA, pp.7-8.
- <sup>53</sup> JS10, p.6, 2.1.1.
- <sup>54</sup> JFBA, p.3 para. 8. See also SA, p.1.
- <sup>55</sup> JS1, paras 6-7.
- <sup>56</sup> JFBA, para. 17.
- <sup>57</sup> GIEACPC, p.2, para.1.2. See also HIMA, paras. 24 and 25.
- <sup>58</sup> SA, p.6.
- <sup>59</sup> HRN, p.3, III, para.2-2.
- <sup>60</sup> JFBA, p.2, para. 5.
- <sup>61</sup> JS11, p.6, (3), ii.
- <sup>62</sup> FJHD, p.2, No.4.
- <sup>63</sup> JS12, p.4, paras.13 and 15.
- <sup>64</sup> HRN, p.3, III, para.3.
- <sup>65</sup> AI, p.3. See also KCWDMSS, p.2, para.2.

- <sup>66</sup> KCWDMSS, p.2, para.1.  
<sup>67</sup> WAM para. 8. See also JS7, p.9, (9); SA, p.7 and KCWDMSS pp.4-5, paras.5-7.  
<sup>68</sup> JFBA, p. 7, para.21.  
<sup>69</sup> FUDANREN, p.3, para 9.  
<sup>70</sup> NJWA, p.7, para. 22.  
<sup>71</sup> KCWDMSS, p.8, paras. 20 and 21.  
<sup>72</sup> JS12, p.5, para. 23.  
<sup>73</sup> JFBA, p.3, para.7.  
<sup>74</sup> ASCW, p.1; HRN, p.2, II, para.3; AI, p.1; AJWRC, p. 1; NJWA, p.3, paras.5 and 6; FUDANREN, p.2, para. 4. See also SA, p.1.  
<sup>75</sup> SA, p.1. See also JS5, p.4  
<sup>76</sup> ASCW, p.1.  
<sup>77</sup> JS12, p.5, paras. 23 and 25  
<sup>78</sup> HRN, p.6, IV para.2. See also JFBA, p.7, para. 22; JS7 p. 10, (10); JNEAGE, p.4, (6), para.7 and WWN, para.10.  
<sup>79</sup> WWN, paras.9 and 10.  
<sup>80</sup> HRWI, pp.1-2, paras.1-2.  
<sup>81</sup> VAARKFC, para.5 and UPF pp.1-4.  
<sup>82</sup> JFBA, p.3, para. 9. See also FUDANREN, p.3, para. 6 and NJWA, pp.6-7, para.18.  
<sup>83</sup> FUDANREN, p.3, para. 8.  
<sup>84</sup> AJWRC, pp.3-4 B-1. See also FUDANREN, p.3, para.7; JNEAGE, p. 1, (2); NJWA p.5, para.12.  
<sup>85</sup> JNEAGE, p.4, (7), paras.1-2. See also JFBA, p.8, para.23.  
<sup>86</sup> FUDANREN, pp.4 and 6, paras. 11-14 and 17.  
<sup>87</sup> JS7, pp 5, 6 and 7, (5) and (7).  
<sup>88</sup> JFBA, p.8, para. 24.  
<sup>89</sup> FUDANREN, p.5, para. 18.  
<sup>90</sup> AJWRC p.4, para. B-2.  
<sup>91</sup> NJWA, p.5, para 11. See also JNEAGE, p.2, (3), paras 3-5 and AJWRC, p.3, para. B-1.  
<sup>92</sup> JS7, p.6, (6).  
<sup>93</sup> AJWRC, pp.4-5, para. B.2.  
<sup>94</sup> JFBA, p.6, para.18.  
<sup>95</sup> JS4, p.2, C, 2. See also IIMA paras. 31 and 32.  
<sup>96</sup> IIMA, para. 33, c.  
<sup>97</sup> HRN, IV, para. 1-2-3, and 1-3-1, iv  
<sup>98</sup> JS4, p.5, C, 2,5 and C,3  
<sup>99</sup> HRN, p.6, IV para. 1-3-2  
<sup>100</sup> JS4, p.1,B. See also HRN, IV, para. 1.3.iii.  
<sup>101</sup> JFBA, p.6, para. 19.  
<sup>102</sup> JNEAGE, p.2, (2), para.5.  
<sup>103</sup> IIMA, paras. 28 and 29.  
<sup>104</sup> IIMA, paras. 8-10 and 15.  
<sup>105</sup> JNEAGE p.3, (6),4.  
<sup>106</sup> JS7, p.3, 2, (1). See also JS2, pp. 10-11.  
<sup>107</sup> JS2, p.11, Recommendation c.  
<sup>108</sup> WWN, p.2, para.1.  
<sup>109</sup> WWN, p.3, para.5.  
<sup>110</sup> JS11, p.6, (3), i. See also IIMA, para.18.  
<sup>111</sup> WAM, paras. 17,18 and 21. See also JS12, p.4, para.17.  
<sup>112</sup> KCWDMSS p.8, para. 22.  
<sup>113</sup> JNEAGE, p.2, (4), paras. 1-2  
<sup>114</sup> JFBA, p.4, para. 12.  
<sup>115</sup> IIMA, paras. 20 and 21.  
<sup>116</sup> JS11, p.2, (1) and p.3 (3),1.  
<sup>117</sup> AJWRC,p.1.  
<sup>118</sup> JS11, p.4, (4), 1.  
<sup>119</sup> JS11, p.5, (2), i and iii.

<sup>120</sup> AJWRC, p.1.

<sup>121</sup> JS2, p12.

<sup>122</sup> JFBA, p.9, para. 26.

<sup>123</sup> JS12, p.2, para.3.

<sup>124</sup> JS12, p.2, para.7.

<sup>125</sup> JFBA, p.9, para. 27.

<sup>126</sup> JS12, p.3, paras.8 and12.

<sup>127</sup> AI, pp 3 and 4.

<sup>128</sup> JS7, p.5, (4).

<sup>129</sup> HRN, p.4, IV paras 1-2-1.

<sup>130</sup> JNEAGF, p.2, (3), para. 8.