



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Japan and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of Japan was recently adopted by the Human Rights Council at its 37<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 106 countries during this cycle, Japan's presentation and responses, and the actions taken by Japan to implement the 125 recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in full in the annex to this letter.

I would like to highlight Japan's continued commitment to promote development cooperation and the establishment of a Sustainable Development Goals Promotion Headquarters in Japan to advance sustainable development goals domestically and internationally. I welcome Japan's contribution in advancing the implementation of economic, social and cultural rights in many parts of the developing world. I also acknowledge Japan's commitment to continue implementing measures for victims of the Fukushima nuclear accident, including to ensure the provision of medical and long-term nursing care systems and to develop the educational environment for children. In this regard, I encourage Japan to take all necessary measures to protect those victims, using the United Nations Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters of 2011.

I further acknowledge Japan's implementation of various measures to eradicate sexual exploitation of children and tackle sexual offences and human trafficking, such as formulating action plans and revising legislation to combat trafficking in persons.

I also encourage Japan to develop a national human rights action plan in order to achieve concrete action in the areas contained in the annex and to facilitate Japan's preparations for the fourth cycle of the UPR. The development of this national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities.

H E. Mr. Taro KONO  
Minister for Foreign Affairs  
Japan



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

I further encourage Japan to strengthen its national mechanisms for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend that Japan use the practical guide that my Office released in 2016 on this topic and which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following their reviews. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I welcome Japan for submitting its mid-term report in January 2017 for the second cycle. I encourage Japan to submit a mid-term report, for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1 paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Japan to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Zeid Ra'ad Al Hussein".

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights

cc: Mr. Yoshifumi Okamura, Representative of the Government of Japan, Ambassador Extraordinary and Plenipotentiary for Human Rights



## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratify the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Optional Protocols of the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Kampala amendments to the Rome Statute on the crime of aggression, recognize the competence of the Committee on Elimination of Racial Discrimination to receive and consider individual complaint. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; the 1960 UNESCO Convention against Discrimination in Education. To continue taking serious consideration on the ratification of the ILO Conventions Nos. 105, 111, 169 and 189. Sign the Treaty on the Prohibition of Nuclear Weapons.
- Consider lifting existing reservations to the international human rights treaties.
- Adopt an open, merit-based selection process when selecting national candidates for UN Treaty Body elections.
- Continue cooperating with the Human Rights Council to implement the initiatives undertaken for the well-being and the full enjoyment of human rights of its population.

### **National human rights framework**

- Strengthen the work of the human rights Bureau (the human rights bodies of the Ministry of Justice (MOJ)), as well as continue the efforts in drafting a new legislation to establish a credible, impartial and independent national human rights institution with a broad mandate, in accordance with principles relating to the status of national institutions for the promotion and protection of human rights, (the Paris Principles). To provide it with adequate financial and human resources, as well as ensure that its mandate covers women's rights and gender equality. It may be noted that several treaty bodies and the Special Rapporteur on sale of children reiterated a similar recommendation.
- Provide effective training to public services personnel in the application of non-discrimination laws and standards in order to combat prejudice and discriminatory behaviour and redouble efforts to sensitize and train law enforcement officials on human rights criteria related to their fields of work. Continue efforts to raise awareness and educate about human rights at all levels and proceed in the development of effective tools to measure the impact of existing schemes for human rights education, both in the short and long term.



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

- Adopt a national action plan pursuant to the United Nations guidance on multinational corporations to guard against human rights violations.

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

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Continue the process of improving the implementation of anti-discrimination legislation and adopt anti-discrimination law, in accordance with the Convention on the Elimination of Racial Discrimination and based on article 14, paragraph 1 of the Japanese Constitution, including adopting a comprehensive definition of discrimination, with a view to ensuring the prohibition of all forms of direct and indirect discrimination, including on the basis of age, gender, religion, sexual orientation, ethnicity or nationality, which also effectively criminalises hate speech.
- Adopt a number of legislative and practical measures in line with international obligations and standards designed to combat manifestation of racial discrimination, prohibiting and repressing all forms of discrimination against non-citizens, and a law eliminating the stereotypes that constitute the cause of violence against women. Ensure that appropriate legislations sanctioning such acts, are applied effectively and all alleged cases investigated.
- Implement comprehensive anti-discrimination legislation to protect and promote the rights of LGBTI persons and continue the positive developments related to the elimination of discrimination based on sexual orientation. Pursue efforts to eliminate multiple and intersecting forms of discrimination against women with disabilities, lesbian, gay, bisexual, transgender and intersex women and migrant women, which affected their access to health, education, employment and participation in public life.
- Eliminate legislative provisions that are discriminatory against women and realize substantive gender equality, in accordance with the CEDAW Convention, throughout the implementation of the 2030 Agenda for Sustainable Development.
- Continue and deepen the implementation of measures to avoid and prevent the discrimination of minorities and indigenous populations and take further steps to effectively address hate speech and protect the rights of minorities.
- Strengthen efforts designed to prohibit racist and xenophobic discourses, including racial superiority, and hatred, particularly through adequate allocation of resources on this issue through education and awareness programmes in schools
- Repeal all state policy and regulations, which condone discrimination against and harassment of Koreans in Japan.

##### *Development, the environment, and business and human rights*



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

- Continue the leadership role in supporting the achievement of SDGs as exemplified among others by the pledge to contribute USD 1.1 Billion for SDG 3 and to continue to provide support for African development, through the TICAD Process.
- Continue to focus on the sustainable development goals in its international engagements especially those related to education, health, sanitation and poverty alleviation.
- Consider a possibility of establishing a National Action Plan on Business and Human Rights, pursuant to the Guiding Principles adopted by Human Rights Council to ensure that multinational companies headquartered in Japan do not violate human rights and take the necessary measures to ensure that Japanese companies take into consideration the respect of human rights in their activities abroad.
- Establish a national regulatory framework, in accordance with United Nations guidelines, for the assessment of human rights and the environmental impact of the business activities of multinational corporations headquartered in Japan.
- Adopt a human rights-based approach to disaster response, risk mitigation and reconstruction efforts resulted from the Great East Japan Earthquake and Fukushima nuclear accident.

## **B. Civil and political rights**

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

- While concerned that capital punishment had not been limited to the “most serious crimes”, and that death row inmates were kept in solitary confinement for up to 40 years before execution and without notice prior to the day of execution; initiate a broad public debate on the death penalty with a view to the abolition of the death penalty in the legislation and in the meantime, establish an immediate formal moratorium on capital and commute all death sentences to terms of imprisonment and modify the penitentiary regulations to strictly limit the solitary confinement. Introduce a system of mandatory appeal request or claim to review the trial in cases where the death penalty has been handed down.
- Take steps to ensure inadmissibility in court of confessions obtained under torture and ill-treatment, establish rules concerning the length of interrogations and improve criminal investigation methods.
- Ensure that the detention system was fully compliant with international standards.
- Improve prison conditions with the aim of aligning them with international norms and standards on the treatment of prisoners.
- Step up efforts to combat violence against children, including prohibition of corporal punishment in all settings in law and in practice.
- Take concrete action to prosecute rape and other sexual violence crimes *ex officio*.

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



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

- Continue to improve the national system of administration of justice, including guarantees for the rights of persons being held in detention, and authorise the defendant to immediately have access to a lawyer and to limit the detention period without charges to a maximum of 48 hours, as a step towards abolishing this system.
- Continue ongoing reforms in the field of justice and criminal procedure with a view to an in-depth review of the system of substitute detention (*daiyô kangoku*).
- Take adequate measures to effectively address violence against foreign, minority and indigenous women by prosecuting and sanctioning all forms of violence, and ensuring that victims have access to immediate means of redress and protection.

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

- Review the legal framework governing broadcast media and, in particular, that the Government review and repeal Article 4 of the Broadcast Act. Continue to guarantee the independence of the media, including by reviewing the current legal framework governing the broadcast media and to strengthen media independence by removing the legal basis for undue government interference.
- Take into full consideration the recommendations made by the UN human rights mechanisms on hate speech
- Create an independent administrative body to regulate broadcast media.

#### *Prohibition of all forms of slavery*

- Thoroughly accept legal State responsibility for past crimes and take concrete measures to address them, including with respect to the issue of “comfort women”, while ensuring the right of the public to information in this regard. Take immediate and effective legislative and administrative measures to find a victim-centred resolution for “comfort women”, in particular, by acknowledging legal responsibility, and prosecuting and punishing perpetrators, as well as providing victims with full and effective redress and reparation.
- Intensify investigation, prosecution and adequate sanctions in all cases of human trafficking. Formulate a comprehensive anti-trafficking legal framework to prevent all forms of trafficking in persons, especially in order to protect women and children from exploitation. Ensure that the anti-human trafficking law protect human rights of migrants from violations by recruitment agencies, brokers and employers. Continue exerting further efforts to improve access of victims of trafficking and sexual violence to complaints mechanisms and protection services and adopt a specific action plan for the protection and compensation of victims.

#### *Right to privacy and family life*

- Refrain from the practice of surveillance and intrusion into the private lives of representatives of religious minorities.



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

## C. Economic, Social and Cultural Rights

### *Right to work and to just and favourable conditions of work*

- Strengthen regulations that set limits on extending working hours with a view to capping work related deaths and suicides and continue efforts to protect workers' rights to safe and healthy working conditions.
- Adopt specific measures to rectify labour standards violations as a follow-up to inspections conducted on the Technical Intern Training Programme.
- Step up its efforts to encourage enterprises to take positive measures to narrow the gender pay gap, including regarding women's access to managerial positions and the reconciliation of work and family responsibilities for both men and women on an equal footing.

### *Right to social security*

- Consider improving the basic pension scheme for the elderly to guarantee them sufficient resources to cover their living expenses.

### *Right to an adequate standard of living*

- Intensify efforts towards poverty reduction and sustainable development.

### *Right to health*

- Guarantee access to health services for those affected by the Fukushima nuclear accident, in particular pregnant women and children, to the highest level of physical and mental health, as well as for the generations of survivors of the use of nuclear weapons. Continue providing support to the evacuees and residents from the high radiation areas of Fukushima, and with periodic health monitoring of those affected, restoring the allowable dose of radiation to the 1 mSv/year limit.
- Develop community-based and people-centred mental health services and support that do not lead to institutionalization, over-medicalization and to practices that fail to respect the rights, will and preferences of all persons.

### *Right to education*

- Continue efforts to ensure full access to education enrolment to all. Continue promoting equal access for women and girls to all level of education, and remove any obstacles that minority communities may face.
- Strengthen efforts aimed at empowering women, in particular through continuing to improve access for women and girls to quality education.
- Facilitate education in and the teaching of minority languages for children belonging to minority and indigenous peoples.



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

- Take measures to extend the “Tuition Waiver and Tuition Support Fund Program for High School Education” to all schools, including those that are under the responsibility of local governments, in order for those children attending Korean schools and ensure equal treatment of Korean schools.

#### **D. Rights of specific persons or groups**

##### *Women*

- Adopt a comprehensive definition of discrimination against women in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.
- Strengthen the promotion of gender equality and protect women from all forms of discrimination and violence by taking measures to fight all discrimination and stereotyping against women, in law and in practice.
- Strengthen the legislative framework to promote gender equality, in particular in the field of employment. Continue implementing the Act on Promotion of Women’s Participation and Advancement in the Workplace. Continue efforts to eliminate discrimination against women and establish full gender equality, especially in the labour market and at the salary.
- Intensify the comprehensive approaches in eliminating sexual exploitation among women and girls. Combat domestic violence and sexual exploitation, and effectively protect women and children’s rights. Continue the work for eradication of violence against women and children, and investigate all reports of domestic violence.
- Take measures to reduce inequalities between men and women, in particular by raising the legal age of marriage to 18 years for all with additional reform of the Penal Code.
- Protect women from sexual violence by expanding the scope of the anti-domestic violence law to other situations than cohabitant couples and by explicitly criminalizing marital rape.

##### *Children*

- Continue with plans to strengthen child protection and welfare activities including introduction of legislation for this purpose.
- Continue with undertaking actions to promote the well-being of children by comprehensive suppression of violence against children. Strengthen and develop a comprehensive strategy against the sexual exploitation of children. Continue implementation of the Government’s “Basic Plan on Measures against Child Sexual Exploitation”, and supporting and rehabilitation of victims.
- Increase efforts to combat sexual exploitation of children, child pornography and prostitution, and provide assistance to victims of sexual exploitation by implementing the Basic Plan adopted in April 2017 through measures to combat sexual exploitation of children. Continue efforts to investigate and prosecute crimes related to the sexual exploitation of children.

##### *Persons with disabilities*

- Continue with the efforts to promote the rights of persons with disabilities and eliminate discrimination and ensure the implementation of the Convention on the Rights of Persons with





HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

Disabilities, including following the Committee's guidelines on Article 14 to protect the security and personal integrity of persons with disability who are deprived of their liberty.

- Carry out necessary reforms to address stigma against persons with disabilities.
- Continue advancing the situation of persons with disabilities by providing access to education, health, jobs and public spaces as well as protecting from all forms of violence and discrimination and to promote the meaningful participation of all persons with disabilities in society.
- Continue to promote the efforts to make the mentally and psychologically disabled persons benefit from the healthcare services.

#### *Minorities and indigenous peoples*

- While welcoming the recognition of Ainu as an indigenous group, enhance consultations with Ryukyu representatives on matters relating to the promotion and protection of Ryukyu rights.
- Strengthen measures so that ethnic minorities -Ainu, Ryukyu and Burakumins- can fully enjoy their economic, social and cultural rights. Pursue efforts to eliminate multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women, such as Ainu, Buraku and Zainichi Korean women.

#### *Migrants, refugees, asylum seekers and internally displaced persons*

- Continue efforts for the protection and promotion of the rights of migrant workers.
- Strengthen the legal protection for migrant workers to eliminate cases of abuses and exploitation. Continue measures to promote working conditions of foreign workers, especially women foreign workers; and to improve their integration into the Japanese society.
- Continue to strengthen oversight of its Technical Intern Training Program to ensure migrant workers participating in the programme receive full protection and support commensurate with the Government of Japan's international obligations.
- Ensure that suspected abusive employers of migrant workers can be duly prosecuted.
- Ensure that refugee status determination process is conducted in a fair, effective and transparent manner in line with international law.
- Detention of asylum seekers be used only as a last resort and for the shortest possible period.

#### *Stateless persons*

- Develop a procedure to determine statelessness in order to ensure for the identification and protection of stateless persons.