

TREATY BODY MONITOR

International Service for Human Rights



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Key facts¹

Ratification	Reservations	Party to optional protocols?	Other core treaties ratified
1979	Article 4.3	No	ICERD, ICESCR, CEDAW, CAT, CRC

Information submitted to the Committee

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

State report

Japan submitted its 5th report to the Human Rights Committee (the Committee) on 20 December 2006.² The report was due on 31 October 2002. Japan last appeared before the Committee in November 1998.³

The report responds to previous Committee recommendations and concerns, and sets out Japan's implementation of its obligations under the *International Covenant on Civil and Political Rights* (the Covenant). The report presents a positive picture of Japan's responses to the Committee's previous recommendations. There is, however, recognition of areas where the State is still lacking, such as the pending decision as to whether it should establish an independent human rights committee. Japan's failure thus far to ratify the *First Optional Protocol* to the Covenant is also noted, though the matter is still being considered. Objections to the *Second Optional Protocol* on the abolition of the death penalty are also outlined in the State report. The long list of crimes which are punishable by death in Japan clearly exceeds the provision in the Covenant that the death penalty should be applied 'only for the most serious crimes'.

Key issues of focus reflected in the report include efforts to reform the following areas: the prison and justice system with a particular focus on the reform of its complaints procedure, women's domestic and workplace rights, the protection of children, and the system of deportation of rejected asylum seekers. Rather than considering the Committee's previous concerns, the report provides justifications for the State's position on various controversial matters such as the death penalty, the concept of 'public welfare' in the Constitution⁴ and the 'substitute prison' system.⁵ The report also has a strong focus on the promotion of the awareness of human rights issues and the education of public figures in this field, as well as the dissemination of the State report and the Committee's concluding recommendations, which was recommended by the Committee at the previous session. The engagement of non-governmental organisations (NGOs) and members of the public in the development of the report are also noted by the State, although the failure to reflect their views in the final report is explicitly reported by one NGO.⁶ The annexes present further statistical information in several areas.⁷ However, Japan falls short of adopting the full extent of the Committee's previous recommendations. A number of issues which are repeatedly mentioned in the NGO reports as cause for concern, including the suppression of political leaflets in defiance of Article 19 of the Convention and the disregard for the rights of minority children in education, fail to be mentioned at all in the State report.

List of issues

After having considered the State report, the Committee provided its list of issues to the State.⁸

The Committee's questions relate to a wide range of issues, requesting either elaboration on a controversial aspect of a State policy or more information on a specific subject. Additional information was requested on measures taken to achieve equal representation for women in the workplace. Another key issue, which Japan

² CCPR/C/JPN/5, available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

³ See www2.ohchr.org/english/bodies/hrc/hrcs62.htm#64th.

⁴ The Constitution states that the human rights granted in the *International Covenant on Civil and Political Rights* (the Covenant) are subject to certain restrictions on the grounds of 'public welfare'. The Committee referred to this with concern in its previous concluding observations as a 'vague and open-ended' concept which 'may permit restrictions exceeding those permissible under the Covenant.' CCPR/C/79/Add.102, available at www2.ohchr.org/english/bodies/hrc/hrcs62.htm#64th.

⁵ The use of 'substitute prisons' (*Daiyo Kangoku*) allows the detention of arrested persons for 23 days without the possibility of bail. This is a controversial practice as these substitute prisons fall under the supervision of the police forces, rather than prison guards who are not involved in the investigative process. This practice has been criticised for allowing police to elicit confessions from the subjects under their supervision.

⁶ Support Network for State Redress Lawsuits in Japan (Kokubai Network). Report available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

⁷ Efforts to promote gender equality, advancements in deportation procedures, prosecutions regarding child abuse, and efforts to improve social conditions in *Dowa* areas.

⁸ CCPR/C/JPN/Q/5, available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

has made some efforts to address, is the lack of obligation on the prosecution to disclose evidence it possesses.⁹ The Committee therefore requested information on how the changes made so far have addressed this problem. The bulk of issues address violence against and sexual exploitation of women; the penal system and its treatment of detainees and inmates; the system of deportation of rejected asylum-seekers; and the rights of Korean and Ainu minorities. In order to back up the progress which Japan claims has been made in these areas, the Committee requested additional statistics and information. The list of issues also drew upon several concerns raised in the Committee's previous concluding observations which Japan failed to address in its report. Recommendations concerning the lifting of restrictions which can be placed on human rights on the grounds of 'public welfare', the reform of the substitute prison system, and the abolition of the death penalty were not addressed. Many of the issues raised by the Committee in its list of issues are the same as those mentioned by NGOs in their reports submitted to the Committee.

Japan's written replies to the list of issues were submitted prior to the session. Although extensive, the replies often failed to address or explain the Committee's questions. For instance, in relation to the restrictions placed on political campaigning and the distribution of written materials, Japan simply stated that the Supreme Court has found that this is not in violation of Articles 19 and 25 of the Covenant. Moreover, despite being specifically asked for a timeframe for the establishment of an independent national human rights institution (NHRI), Japan gave no timeframe. Instead, the answers talked of a previously rejected bill and the political problems with passing a new one. On many other points, the State merely reiterated exactly what was written in its original report. There were also many cases in which the State was asked whether it had considered adopting certain changes, to which the response was almost always negative. With regard to most of the pressing issue raised by NGOs and the Committee,¹⁰ Japan reiterates why it intends to keep the laws as they currently stand. An issue which is well-addressed in the replies is gender-based violence, where protection measures for victims of sexual crimes and domestic violence as well as gender-specific training for judges have been introduced. It should also be noted that in cases where information on specific programmes or issues was asked for, the State was forthcoming and detailed in its response.¹¹

NGO information

13 individual NGOs¹² and three coalitions of NGOs¹³ submitted **written reports** to the Committee.¹⁴

NGOs covering a broad span of issues submitted information for consideration to the Committee, although many of them represented similar issues. Women's rights organisations as well as legal groups criticising the penitentiary and judicial system, and those promoting the rights of minorities, took a particular interest. Many NGOs address the same issues as those Committee highlighted in its list of issues. Some reports provide extra

⁹ Despite some modifications, there is still a provision under Japanese law which allows for a prosecution not to disclose evidence, a practice which could jeopardise the defendant's right to a fair trial.

¹⁰ The concept of 'public welfare' as grounds for the restriction of human rights, the 'substitute prison' system, the death penalty, and the issue of 'comfort women'.

¹¹ Detailed statistics and analysis was presented with regards to women's participation in decision making positions, increased personnel in prison system and trafficking in persons.

¹² Buraku Liberation and Human Rights Research Institute, Center for Prisoner's Rights Japan, Discrimination against Koreans in Japan over the National Pensions System, Japan Fellowship of Reconciliation (JFOR), Japanese Workers' Committee for Human Rights (JWCHR), Ainu Resource Centre, Support Network for State Redress Lawsuits in Japan (Kokubai Network), Support Group for Repressed Tachikawa Anti-War Leafleters, Support Group for Toyota Motor Philippines Corporation Workers Association, Research Institute of International Human Rights Law Policies (RIIHRPL), Asia-Japan Women's Resource Center (AJWRC), Association of Korean Human Rights in Japan (COALITION), International Federation for Human Rights (FIDH).

¹³ Coalition of women's organisations: Women's Active Museum on War and Peace and Peace (WAM), Japan All Solidarity Network for the Settlement of the "Comfort Women" Issue, and Violence against Women in War-Network Japan (VAWW-NET Japan); Japan Federation of Bar Associations (JFBA); coalition of LGBT NGOs: Gay News Japan; Global Rights; International Gay and Lesbian Human Rights Commission; and the International Human Rights Clinic, Human Rights Program, Harvard Law School.

¹⁴ The NGO reports are available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

information not available in the State report, while others urge the Committee to ask the State further questions.

The issues which were repeatedly raised included the system of ‘comfort women’¹⁵ used by the Japanese military during the Second World War and the Government’s persisting failure to offer compensation to the victims or educate the public on the issue.¹⁶ Other NGOs,¹⁷ in line with the Committee, found fault with the system of disclosure of evidence gathered during a trial and held by the prosecution, which can hinder a defendant’s right to a fair trial. Despite amendments to the criminal law, there remains a degree of discrepancy as to what constitutes ‘evidence’ and whether this must legally be disclosed. Other problems mentioned include discriminatory legislation against lesbian, gay, bisexual and transgendered (LGBT) people, the increased application of the death penalty in recent years, and the failure to introduce compulsory education for foreign nationals and minority children. One issue that is picked up by NGOs but is not mentioned in either the State report or the list of issues is the suppression of political leaflets, an alleged violation of Article 19 of the Covenant. The Japanese Workers’ Committee for Human Rights and the Support Group for Repressed Tachikawa Anti-War Leafleters provided details of cases to support their claims.

Themes and issues

The delegation of Japan was led by Mr Hideaki Ueda, Ambassador in charge of Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs. He was supported by a large high-level delegation consisting of representatives of the Ministry of Justice; Ministry of Foreign Affairs; Cabinet Office; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Health, Labour and Welfare; Ministry of Land, Infrastructure, Transport and Tourism; National Police Agency; and Permanent Mission in Geneva. The delegation consisted of Ambassadors, Directors, ministry officials, Permanent Representatives from missions, counsellors, attorneys, and unit chiefs.¹⁸

The head of delegation made a short opening speech in which he outlined Japan’s commitment to protecting and promoting human rights. He suggested that the information given in the report is a good indication of the domestic efforts which Japan has made to meet its international obligations. The key issues mentioned in his opening speech outlined Japan’s recent efforts in the area of human rights. These included attempts to actively eradicate discrimination; efforts to target discrimination against vulnerable groups, namely women, children, persons with disabilities, ethnic minorities, and foreigners; measures to improve the treatment of inmates; moves taken to prevent the trafficking of persons; and programmes which have been undertaken to improve human rights education across the country.

Almost all Committee members commented on the unprecedented number of NGOs that attended the session; a good sign of a healthy and lively debate on human rights issues in Japan. Committee members also remarked on the large delegation, expressing the hope that their high calibre and diversity would allow them to participate well in the debate. Some of the delegation’s answers received a warm response, but Committee members felt that many issues were not fully answered and for the most part, the previous recommendations and concerns of the Committee had not been addressed. Although the delegation appeared willing to answer the Committee’s questions during the interactive dialogue, the State was defensive of its position as opposed

¹⁵ During the Second World War, the Japanese military had a vast network of stations where ‘comfort women’ were available to the soldiers. This was tantamount to forced prostitution and sexual slavery, and in many cases, young women were forcefully taken from their homes to work in these stations.

¹⁶ Japan Fellowship of Reconciliation (JFOR); the coalition of Women’s Active Museum on War and Peace and Peace (WAM), Japan All Solidarity Network for the Settlement of the “Comfort Women” Issue and Violence against Women in War-Network Japan (VAWW-NET Japan); and Asia-Japan Women’s Resource Center (AJWRC).

¹⁷ JFBA, Support Network for State Redress Lawsuits in Japan (Kokubai Network).

¹⁸ The list of members of Japan’s delegation is available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

to truly considering the questions and recommendations from the Committee. Japan's attitude towards the Covenant and the reporting process

The most recurring cause of concern expressed by Committee members was Japan's apparent lack of regard for the Convention, the Committee, and its recommendations. Almost all of the members who spoke made reference to this issue,¹⁹ pointing out that little action has been taken in response to the Committee's concerns and recommendations; the same issues are being raised and the same answers are being given. The Committee repeatedly suggested that Japan does not fully understand the Covenant or the spirit in which it should be interpreted. Mr Nigel Rodley was very vocal on this issue. He deemed Japan's attitude 'disheartening' and remarked that it is neither helpful nor constructive to dialogue with a State which demonstrates little consideration for the Covenant. He also noted that human rights in Japan are not seen as absolute, but subject to the concept of 'public welfare' which is incompatible with the Convention. Mr Rodley, Ms Christine Chanet and Mr Ahmed Tawfik Khalil raised concern over Japan's persistence in quoting popularity amongst the public as reasons for maintaining controversial practices such as the death penalty in spite of the Committee's previous criticism of this practice. The delegation's response to these concerns was not particularly constructive; no comment was made in an attempt to explain or apologise for its attitude nor was an explanation given for the State's persistent failure to respond to the Committee's recommendations. The Committee proposes in its concluding recommendations that Japan should follow up on past and present recommendations.

Domestic framework for the implementation of the Covenant

The Committee again raised the issue of Japan's failure so far to establish an independent NHRI, as recommended at the previous session. The direct questions on this proposal were not answered; the delegation simply referred to the written responses, which claims that the Government aims to submit a bill to establish an NHRI but that this is currently under review by the Ministry of Justice, and gives neither a timeframe for application nor any indication of what form the body might take. In the concluding comments, the Committee advised the State to establish an independent NHRI in accordance with the *Paris Principles*, a move also supported by the Japan Federation of Bar Associations (JFBA).²⁰

Committee members also expressed concern that the Covenant is not widely known amongst the lower echelons of the justice system, which could account for the lack of cases in which the Covenant is directly invoked. In responding to this, the delegation again referred to the written responses where some information on the training of judges, public prosecutors and lawyers in general human rights issues is given. The Committee, however, appeared dissatisfied with the level of specific training on the Covenant, especially to the lower levels of the judiciary. In the concluding observations, the Committee advises this should become part of the professional training for judges, prosecutors and lawyers.

Gender equality in the workplace

With regard to equality between men and women in employment, the Committee noted that good progress had been made, especially since the *Basic Law for a Gender-Equal Society* entered into force in June 1999. However Ms Elisabeth Palm noted that creating the instruments alone is not enough to initiate a genuine change; these measures need to be implemented and followed up. The persisting stereotyping of women was raised by Ms Elisabeth Palm, who underlined the importance of education and gender-sensitive training. She

¹⁹ Mr Ivan Shearer, Mr Michael O'Flaherty, Ms Christine Chanet, Mr Nigel Rodley, Ms Ruth Wedgewood, Mr José Luis Pérez Cerro.

²⁰ JFBA has made calls for the institution to meet following criteria: to come under the office of the cabinet, not a specific ministry; to demonstrate transparency in the election process; to guarantee the appointment of only those with appropriate experience; to ensure a local presence across the country; and to embrace all international human rights standards adopted by Japan. The full report is available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

also suggested that more assistance for working women is needed, such as the provision of better childcare facilities to allow women to work in higher-level positions. The delegation's detailed response to these comments suggested that programmes are already in place to address this issue. For example, the delegation informed the Committee about the gender-sensitive training which is now given to judges, and also gave detailed statistics on the increased availability of childcare.²¹ The delegation provided a detailed answer on measures which have been taken to increase women's participation in decision-making positions. Awareness raising campaigns have been started, work hours have become more flexible, and there is a target quota that women should occupy 30 percent of leadership positions by 2010. However, the Committee noted the disparity between men and women in managerial and decision-making positions, and advised that special measures be adopted to rectify this situation. The Committee also raised concern over the wage-gap between part-time and full-time workers, which affects women more often than men due to traditional roles within the family. The delegation pointed to the revised *Part-Time Workers Law*, introduced in April 2008, which it claims has levelled out this inequality. However Ms Palm contested this, suggesting that the law only covers 4-5% of the 2.5 million people affected.

The Committee recommends in its concluding observations that special measures such as quota need to be introduced to make *de facto* progress in achieving gender equality. The Committee urges the State to review working hours and childcare facilities as well as implement the *Part-Time Workers Law* and criminalise sexual harassment in the workplace.

The main problem the Committee found with Japan's stance on violence against women was that there is no separate legislation to cover domestic violence; it is dealt with under the same articles in the Penal Code which cover crimes of assault and bodily injury. Ms Zonke Zanele Majodina suggested that a minimum sentence specific to domestic violence should be introduced since the current sentences are too lenient. The Committee remarked that it is impressed with the substantive measures that have been introduced to help combat domestic violence and provide support to its victims. However, Ms Majodina suggested the focus of the written replies is too much on the measures themselves and not enough on their results. The delegation reaffirmed some of these measures and stated that the number of annual consultations in spousal violence centres has risen to 62,000, compared with 36,000 in 2002. It also noted that special consideration is given to applications from asylum seekers for renewal of stay if they are suffering from domestic violence. The Committee also drew attention to the police response to women who have been victims of gender-based violence as well as the lack of legal provisions for the gender-sensitive training of law enforcement officers. The delegation provided a detailed response outlining the increase in the number of female police officers²² and the procedure for reviewing the effectiveness of the measures at a ministerial level each year. The Committee remained concerned at the ambiguity as to how exactly the State intends to make police responses more effective, and recommends in its concluding observations that it provide more physical and legal assistance to victims of rape and domestic violence.

The 'Comfort women' system during the Second World War

The issue of 'comfort women' was criticised during the session. Ms Majodina, Mr José Luis Perez Sanchez-Cerro, and Ms Ruth Wedgewood all called on the Japanese delegation to push the Government to take formal responsibility for what happened during the Second World War and to provide sufficient compensation to the victims. Mr Cerro called upon Japan's sense of dignity, suggesting Japan has a moral obligation to bring the perpetrators to trial. The delegation strongly defended its position, making reference to a letter of apology sent out by the Prime Minister to the victims, and to the Asian Women's Fund, to which the Government has contributed 4.8 billion yen to help 'facilitate feasible remedies' for the victims. In response to the claim that

²¹ Currently 2.12 million children are placed in childcare facilities. Between 2002 and 2004, the number of children in these facilities increased by 156,000, and there are plans to raise the number to 2.5 million by 2009.

²² There are currently 13600 female officers in Japan, a.7 times more than there were 10 years ago.

there is insufficient coverage of the issue in textbooks, the delegation defended its position, claiming that references are made in more than one textbook, but provided no evidence demonstrating active efforts to render the wider public more aware of the problem. The Committee appeared frustrated at the continued lack of action to resolve this issue which has been raised on numerous occasions by both the Committee and NGOs.

In its concluding observations, the Committee advises that the Government should officially accept legal responsibility for the ‘comfort women’ system, as well as prosecute the perpetrators and educate the public on the issue.

Detention facilities and interrogation procedures

Ms Chanet was very vocal on the issue of ‘substitute prisons’, describing the system as ‘archaic’ and out of line with Japan’s status as a developed country. Committee members were concerned that police are infringing on the role of the court by engaging in interrogation of detainees held under their custody in police detention centres, a violation of Article 14 of the Covenant, which guarantees equality between accuser and defender. The delegation refuted all criticism, claiming that the centres are only for suspect detention, not for interrogation or questioning. In its concluding recommendations, the Committee, as in its previous years, calls for the abolition of the substitute detention system.

The Committee also criticised the justice system harshly and repeatedly for placing too much focus on confessions. It also criticised the denial of legal counsel for the defendant at interrogations. The delegation provided information on the Detention Facilities Visiting Committees, established under the 2006 Act on Penal Detention Facilities and Treatment of Inmates and Detainees, comprising of 251 members, and claimed that the electronic recording of parts of the interrogation process has been begun in some areas. The Committee welcomed these moves but questioned the extent to which the recommendations of the Visiting Committees are actually implemented and expressed concern that many sources suggest the continuing existence of unsatisfactory detention procedures as well as the practice of forced confessions. The Committee concluded that the State should introduce: strict time limits for interrogation; the systematic use of video surveillance; and the right for suspects to have counsel present during interrogations. It also recommended that Visiting Committees should have full access to all relevant information whilst conducting inspections.

Several questions were also asked regarding the systematic use of solitary confinement both as a disciplinary measure and as the default procedure for ‘grade 4’ prisoners and for prisoners on death row. The Committee questioned the rationale behind placing death row prisoners in solitary confinement. It also expressed its concern about the lack of legislation regulating the time-limits placed on solitary confinement and the lack of right to appeal against this type of detention. The delegation defended its position, claiming that some prisoners cannot be dealt with in the ‘regular manner’, but the detailed questions as to the exact procedures and their logic were not answered. The Committee recommends in its concluding observations that the State should relax procedures concerning solitary confinement for death row prisoners.

Death penalty

Despite previous recommendations from the Committee, the application of death penalty in Japan has increased in recent years. Ms Chanet was a strong critic of Japan’s policy in this area, denouncing the use of public opinion as a justification as well as refuting the State’s claim that the death penalty serves as a deterrent. Though Committee members criticised the practice itself, they recognised that the State has no intention to abolish the death penalty and thus focused on the procedures related to it and the treatment of prisoners on death row. The main criticism, raised most forcefully by Mr Rodley, was the fact that meetings between death row detainees and their lawyers are supervised by a member of the detention facility. The delegation defended its position, claiming that due to the seriousness of the sentence, prisoners need to be supervised in order to prevent them from attempting suicide or an escape. The Committee argued that this

practice may restrict a prisoner's right to open a retrial since discussion of such a nature should be a private matter between the prisoner and his or her lawyer; infringement of this privacy and the subsequent complication of the process may explain why so many appeals are abandoned. Questions on the psychological implications of placing death row prisoners in solitary confinement and the morality of detaining prisoners for several decades before their execution went unanswered. Mr Khalil suggested that the Government should undertake measures to make the general public aware of the problematic aspects of the death penalty.

In the concluding observations, the Committee recommends that the State abolish the death penalty, regardless of public opinion as well as ensure in the meantime that the sentence is given only for the most serious crimes.

Other issues

Discrimination on the grounds of sexual orientation was an issue raised by Mr Michael O'Flaherty based on a report by a coalition of NGOs on LGBT rights.²³ According to this report, LGBT persons face discriminatory legislation in public housing and spousal violence. Article 23.1 of the public housing law only provides public housing for opposite-sex couples, and the same problem applies with regard to the prevention of spousal violence, which does not penalise violence between same-sex couples. The Committee advised that these discriminatory laws be revised.

The procedures of asylum in Japan were raised by several Committee members. The delegation was keen to demonstrate recent improvements which have been made in dealing with asylum-seekers. Current procedures now require that a rejected asylum-seeker is informed of the reasons regarding the decision. Asylum-seekers are also allowed to remain in Japan on humanitarian grounds if it is considered that they would be at risk if deported. The Committee questioned the extent to which Japan has implemented its promise to follow up on the provision of legal aid and interpreters during the asylum process.²⁴ Despite assurances to the contrary, the Committee claimed that deportations are still carried out without due process of law and recommended immigration law should be revised.

The trafficking of women and children is an ongoing problem in Japan and is outlined as a key focus area of the Government. Mr O'Flaherty asked why no statistics on incidents of trafficking exist, and questioned why such mild punishments are given to traffickers.²⁵ These specific questions were not answered, but the delegation recognised trafficking as a 'grave crime' needing a wide-ranging Government response, and talked of an inter-ministerial task force which has been created, involving cooperation across many agencies including the immigration bureau. The Committee advised that stronger efforts be made to identify and prosecute the perpetrators as well as to provide increased support to the victims.

The rights of minority persons were mentioned several times in reference to Korean and Ainu minorities. Concerns were raised over the fact that minority schools are less heavily subsidised by the Government as well as the fact that education in these native languages is often limited. The Committee also noted that diplomas from Korean schools are not accepted as direct university entrance qualifications. The Committee advised that these discriminatory practices be stopped. Another issue was that of the pensions for a group of Koreans who have been excluded from the pension scheme on a discriminatory basis.²⁶ The Committee asked

²³ 'The Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in Japan was jointly submitted by Gay News Japan; Global Rights; International Gay and Lesbian Human Rights Commission; and the International Human Rights Clinic, Human Rights Program, Harvard Law School. Available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

²⁴ This was recommended by Algeria at the examination of Japan under the universal periodic review (UPR) in May 2008. A/HRC/8/4, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CJPSession2.aspx.

²⁵ Only 6 out of 75 convicted persons have so far been sentenced to imprisonment, with an average sentence of two years.

²⁶ This group of Koreans lost their Japanese nationality in 1952 and thus were not covered when the pension programme began in 1961. It was later decided in 1982, that foreigners should be included but not in a retrospective manner. Since there is a requirement that a person must pay contributions to the pension scheme for at least 25 years between the ages of 20 and 60, many have been excluded from the national pension scheme.

for an explanation of the anomaly that exists, but none was given. The Committee advised the State to reconsider this requirement so as not to exclude non-citizens in a discriminatory way.

The Committee also engaged the delegation in discussion on the following themes: the low age of consent for girls (13); the difference in legal age for marriage between girls and boys; the law which prevents divorced or widowed women from marrying for a period of 300 days after the death of their husband or the divorce; the inheritance rights of children born out of wedlock; limits placed on the freedom of expression by the Public Office Election Law which prohibits door-to-door canvassing; and the current status of ratification of the *First Optional Protocol* to the Convention.

Conclusions and next steps

In concluding the interactive dialogue, the head of delegation expressed his satisfaction with the constructive dialogue which had taken place. He recognised that the Committee was sometimes critical, but insisted that this was helpful in order for the State to improve its implementation of the Convention. He finished by stressing Japan's commitment, as one of the only developed countries in the region, to taking a lead role in helping improve the situation of human rights in Asia. Mr Ueda promised that the State would follow up on the Committee's recommendations and comments.

Mr Rafael Rivas Posada, the Chairman of the Committee, made an interesting concluding speech. He noted that the consideration of State reports is intended to be conducted through a dialogue with the State, not a confrontation. He indicated that a certain feeling of frustration had been evident throughout the dialogue with Japan since the issues raised are identical to those raised at the last session, suggesting the State has not taken previous recommendations into account. Among the key issues he highlighted were the need to establish an NHRI in order to truly monitor the implementation of the Covenant, the numerous issues raised with regards to the penitentiary system, and the discriminatory treatment of women and minorities.

In its concluding observations, the Committee noted the positive progress made by the State by the measures taken to protect and assist victims of gender-based violence, as well as the adoption of legislative and institutional measures designed to ensure the equality of men and women. However, it expressed its concern over the fact that many of the recommendations issued after the consideration of the 4th report have not been implemented. The State is urged to adopt both the present and previous recommendations of the Committee.

29 October 2011 was set as the date for the submission of the 6th periodic report of Japan.

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TREATY BODY MONITOR STAFF

Eléonore Dziurzynski, Communications Officer, Geneva

Gareth Sweeney, Deputy Manager, Geneva

Katrine Thomasen, Manager International Programme, Geneva

Michael Ineichen, Human Rights Officer, Geneva

Michelle Evans, Representative to the UN, New York

Paul Dziatkowicz, Human Rights Officer, Geneva

Vanessa Jackson, Human Rights Officer, New York

Yuri Saito, Fellow, Geneva

AUTHOR OF THE JAPAN REPORT

Alice Hughes, Intern

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