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## I. General information about the reporting State

### A. Demographic, economic, social, and cultural characteristics of the State

#### (i) Geographical description

1. Japan is a nation consisting of numerous islands lying off the eastern seaboard of the Asian continent. The islands form a crescent-shaped archipelago stretching from northeast to southwest. Japan has a northern boundary with Russia across the Sea of Japan and the Sea of Okhotsk and a southern boundary with the Philippines and the islands of Micronesia with the Pacific Ocean in between, and to the west of Japan, the Korean Peninsula and China lie across the Sea of Japan and the East China Sea.

2. As of October 1, 2018, Japan's total land area is 377,974.17 square kilometers, of which 96% are occupied by the four main islands, Honshu (227,943.46 square kilometers), Hokkaido (77,983.92 square kilometers), Kyushu (36,782.38 square kilometers), and Shikoku (18,297.38 square kilometers)<sup>1</sup>.

#### (ii) Demographic characteristics

##### General

3. As of October 1, 2015, Japan's total population was 127,094,745, of which women numbered 65,253,007, accounting for 51%, while men numbered 61,841,738, accounting for 49%.

4. Japan's population density measured 340.8 persons per square kilometer, which was down 0.8% compared to the previous census (in 2010).

5. Population aged 15 and younger was 17,082,369, of which women numbered 8,333,519 and men 8,748,850. Meanwhile, population aged 65 and older was 33,465,441 of which women numbered 18,979,972 and men 14,485,469. The proportion of the population aged 15 and younger to the total population was 14%, while that of the population aged 65 and older was 27%.

6. In Japan, local governments are composed of 47 prefectures and 1,724 municipalities (of which the number of cities<sup>2</sup> is 792 and that of towns and villages is 932). A large city that has a population greater than 500,000 and has been designated as such in accordance with the Local Autonomy Act is called an "ordinance-designated city." At present, there are 20 ordinance-designated cities and each of them has an administrative jurisdiction similar to that of its encompassing prefecture. Population in urban areas<sup>3</sup> amounted to 116,137,232 and that of rural areas<sup>4</sup> was 10,957,513. About 91% of the total population lives in urban areas.

##### Number of Foreign Residents in Japan

7. The number of foreign residents in Japan as of the end of 2018 increased by 169,245 to 2,731,093 from the previous year. By nationality/region, Chinese ranked first with 28.0% or 764,720, followed by 449,634 South Koreans (accounting for 16.5%), 330,835 Vietnamese (12.1%), 271,289 Filipino (9.9%), 201,865 Brazilians (7.4%), 88,951 Nepalese (3.3%), 60,684 Taiwanese (2.2%), 57,500 Americans (2.1%), 56,346 Indonesians (2.1%), 52,323 Thai (1.9%), and 396,946 others (14.5%).

<sup>1</sup> Source: Planimetric Reports on the Land Area by Prefectures and Municipalities in Japan, 2018, Geospatial Information Authority of Japan (GSI).

<sup>2</sup> Tokyo special wards are considered one city. A "special ward" is a special local government having a different purpose, structure, and function from other municipalities, from the viewpoint of ensuring the unity of a metropolitan area. Currently, the 23 wards in Tokyo are designated as special wards.

<sup>3</sup> "Urban areas" refers to the total of all cities in Japan as of October 1, 2015 (including Tokyo special wards).

<sup>4</sup> "Rural areas" refers to the total of all towns and villages in Japan as of October 1, 2015.

8. Change in the number of foreign residents in Japan during the last 5 years is shown below.

	<i>As of end of 2014</i>	<i>As of end of 2015</i>	<i>As of end of 2016</i>	<i>As of end of 2017</i>	<i>As of end of 2018</i>
Number of Foreign Residents in Japan (persons)	2 121 831	2 232 189	2 382 822	2 561 848	2 731 093

### Number of Followers of Religion in Japan

9. As of the end of 2017, the number of followers of religion in Japan was as follows: 86,166,133 Shintoists, 85,333,050 Buddhists, 1,921,834 Christians, and 7,743,714 others.<sup>5</sup>

### Statistics on Maternal Language and People

10. The official language of Japan is in effect Japanese, although it is not statutory.

11. The Ainu, who are an indigenous people living around the northern part of the Japanese Archipelago, especially in Hokkaido, have their original language. The Government encourages the promotion of Ainu culture, including their language.

12. The number of Ainu population and those who can speak the Ainu language is unknown; however, according to the 2017 survey by the Hokkaido prefectural government, 13,118 Ainu people live in Hokkaido.

### (iii) Social and cultural characteristics

#### Birth and death statistics

13. Life expectancy of Japanese women was 87.26 years old, while that of men was 81.09 years old in 2017.

14. Japan's total fertility rate in 2017 was 1.43. The total fertility rate, which is calculated using the female age-specific birth rates between 15 and 49, refers to the average number of children each woman will have in her lifetime under the assumption that a woman will experience an age-specific birth rate at her given age through her lifetime.

15. In 2017, Japan's death rate per 1,000 population was 10.8. Infant mortality rate per 1,000 live births was 1.9 and maternal mortality rate per 100,000 total births was 3.4.

16. The statistics relating to paras.13 to 15 above for the last 5 years are as follows<sup>6</sup>.

Year	<i>Life expectancy at birth</i>		<i>Live birth rate (per 1,000 population)</i>	<i>Total fertility rate</i>	<i>Death rate (per 1,000 population)</i>	<i>Infant mortality rate (per 1,000 live births)</i>	<i>Maternal mortality rate (per 100,000 total births)</i>
	<i>Male</i>	<i>Female</i>					
2013	80.21	86.61	8.2	1.43	10.1	2.1	3.4
2014	80.50	86.83	8.0	1.42	10.1	2.1	2.7
2015	80.75	86.99	8.0	1.45	10.3	1.9	3.8
2016	80.98	87.14	7.8	1.44	10.5	2.0	3.4
2017	81.09	87.26	7.6	1.43	10.8	1.9	3.4

17. The legal abortion rate (the implementation rate of legal abortion) for the fiscal year (FY) 2017 was 6.4<sup>7</sup> per 1,000 women aged 15 or over and below 50. Statistical data for the 5 years in 2013-2017 are shown below<sup>8</sup>.

<sup>5</sup> The sum of the followers exceeds the total population of Japan because there is the possibility that some individuals are counted by two to more religious organizations.

<sup>6</sup> Source: Vital Statistics, Ministry of Health, Labour and Welfare.

FY	2013	2014	2015	2016	2017
Abortion rate	7.0	6.9	6.8	6.5	6.4

### Top 10 causes of death

18. Japan's 10 leading causes of death in 2017 were, in order from the top, malignant neoplasms (death rate<sup>9</sup>: 299.5), heart diseases (164.3), cerebrovascular diseases (88.2), senility (81.3), pneumonia (77.7), accidents (32.4), aspiration pneumonia (28.7), renal failure (20.2), suicide (16.4), and vascular dementia and unspecified dementia (15.7). The statistics of the 5 years in 2013-2017 are as follows<sup>10</sup>.

Year	2013	2014	2015	2016	2017 <sup>11</sup>
1st Causes of death	Malignant neoplasms	Malignant neoplasms	Malignant neoplasms	Malignant neoplasms	Malignant neoplasms
Death rate <sup>12</sup>	290.3	293.5	295.5	298.3	299.5
2nd Causes of death	Heart diseases	Heart diseases	Heart diseases	Heart diseases	Heart diseases
Death rate	156.5	157.0	156.5	158.4	164.3
3rd Causes of death	Pneumonia	Pneumonia	Pneumonia	Pneumonia	Cerebrovascular diseases
Death rate	97.8	95.4	96.5	95.4	88.2
4th Causes of death	Cerebrovascular diseases	Cerebrovascular diseases	Cerebrovascular diseases	Cerebrovascular diseases	Senility
Death rate	94.1	91.1	89.4	87.4	81.3
5th Causes of death	Senility	Senility	Senility	Senility	Pneumonia
Death rate	55.5	60.1	67.7	74.2	77.7
6th Causes of death	Accidents	Accidents	Accidents	Accidents	Accidents
Death rate	31.5	31.1	30.6	30.6	32.4
7th Causes of death	Suicide	Renal failure	Renal failure	Renal failure	Aspiration pneumonia
Death rate	20.7	19.8	19.6	19.7	28.7
8th Causes of death	Renal failure	Suicide	Suicide	Suicide	Renal failure
Death rate	20.0	19.5	18.5	16.8	20.2
9th Causes of death	Chronic obstructive pulmonary disease	Aortic aneurysm and dissection	Aortic aneurysm and dissection	Aortic aneurysm and dissection	Suicide
Death rate	13.1	13.1	13.5	14.5	16.4

<sup>7</sup> The abortion rate is calculated by dividing the number of abortion cases for females aged 15 to 49 (excluding cases of females aged 50 or older while including cases of those aged 14 or younger and unidentifiable cases) by the total female population aged 15 to 49.

<sup>8</sup> Source: Report on Public Health Administration and Services for FY2017, Ministry of Health, Labour and Welfare.

<sup>9</sup> Death rate: per 100,000 population.

<sup>10</sup> Source: Vital Statistics, Ministry of Health, Labour and Welfare.

<sup>11</sup> In addition, the increase and decrease in the death rate in 2017 is mainly explained by the clarification of the rules for selecting the causes of death in "ICD-10" (2013 version) (enforced in 2017).

<sup>12</sup> Death rate: per 100,000 population.

Year	2013	2014	2015	2016	2017 <sup>11</sup>
10th Causes of death	Aortic aneurysm and dissection	Chronic obstructive pulmonary disease	Chronic obstructive pulmonary disease	Diseases of liver	Vascular dementia and unspecified dementia
Death rate	12.8	12.9	12.6	12.6	15.7

*Percentage of Persons Infected with AIDS, HIV, or Other Major Infectious Diseases and Infection Rate of Major Infectious or Non-infectious Diseases.*

19. AIDS patients and HIV-infected persons must be reported to the State through the National Epidemiological Surveillance of Infectious Diseases based on the Act on Prevention of Infectious Diseases and Medical Treatment for Patients with Infections Diseases. In 2017, the number of newly reported AIDS patients was 413 and that of newly reported HIV-infected persons was 976.

20. The aggregate number of newly reported AIDS patients as of the end of 2017 was 8,936 and that of HIV-infected persons was 19,896. In 2017, the number of HIV antibody tests at public health care centers, etc. was 123,432 and the number of consultations brought to public health care centers, etc. was 123,768.

21. Recent trends are that 1) many AIDS patients are in their thirties to forties and many HIV-infected persons are in their twenties to forties; 2) infections are often caused by male homosexual contact; and 3) infections are spreading not only in big cities but also in local cities. Available statistical data for the last 5-year period are shown below.

FY	2013	2014	2015	2016	2017
Number of newly reported AIDS patients	484	455	428	437	413
Number of newly reported HIV-infected persons	1 106	1 091	1 006	1 011	976
<b>Total</b>	<b>1 590</b>	<b>1 546</b>	<b>1 434</b>	<b>1 448</b>	<b>1 389</b>

FY	2013	2014	2015	2016	2017
Number of HIV antibody tests at public health care centers, etc.	136 400	145 048	128 241	118 005	123 432
Number of consultations brought to public health care centers, etc.	145 401	150 993	135 282	119 378	123 768

22. According to monitoring of registered tubercular (TB) patients reported through public health care centers across the country, the number of newly registered TB patients in 2017 was 16,789. While the patient number has tended to decrease in recent years, it is necessary to continue to take sufficient action since many people are still newly registered with TB in Japan. Available statistical data for the last 5-year period are shown below.

FY	2013	2014	2015	2016	2017
<b>Total of newly registered patients</b>	<b>20 495</b>	<b>19 615</b>	<b>18 280</b>	<b>17 625</b>	<b>16 789</b>

23. Enterohemorrhagic Escherichia coli infection also has to be reported to the State through the National Epidemiological Surveillance of Infectious Diseases based on the Law Concerning the Prevention of Infectious Diseases and Medical Care for Patients Suffering from Infectious Diseases. In 2017, 3,902 cases in total (of which 2,604 cases were for symptomatic patients, 1,297 cases for non-symptomatic disease carriers, and 1 case for

death from infectious diseases) were reported. Like every year, the epidemic of the disease peaked in summer. Available statistical data for the last 5-year period are shown below<sup>13</sup>.

<i>FY</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Reported cases (persons)	4 044	4 151	3 573	3 647	3 902

### Statistics on education

#### *School attendance rate and dropout rate in elementary and secondary education*

24. With regard to the school attendance rate for compulsory education in FY2017, 99.96% of Japanese elementary school students and 99.96% of junior high school students attended school. The rate of advancement to high school, etc. was 99.0% for female students, 98.6% for male students, and 98.8% in total. Available statistical data for the last 5-year period are shown below.

<i>FY</i>	<i>School attendance rate for compulsory education (%)</i> <sup>14</sup>		<i>Rate of advancement to high school, etc. (%)</i> <sup>15</sup>		
	<i>Elementary school students</i>	<i>Junior high school students</i>	<i>Total</i>	<i>Male students</i>	<i>Female students</i>
2013	99.96	99.96	98.4	98.1	98.7
2014	99.96	99.96	98.4	98.1	98.7
2015	99.96	99.97	98.5	98.3	98.8
2016	99.95	99.96	98.7	98.5	99.0
2017	99.96	99.96	98.8	98.6	99.0

25. In FY2017, 46,802 students dropped out of high school, of which 51 students withdrew from national high schools, 28,929 students from public high schools, and 17,822 students from private high schools. The dropout rate (rate of students who dropped out to total enrollment) was 1.3% overall, 0.5% for national schools, 1.3% for public schools, and 1.5% for private schools. Available statistical data for the last 5-year period are as follows:

	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Number of dropout students (persons)	59 923	53 391	49 263	47 249	46 802
National	34	43	44	43	51
Public	38 602	33 982	31 083	29 531	28 929
Private	21 287	19 366	18 136	17 675	17 822
Dropout rate (%)	1.7	1.5	1.4	1.4	1.3
National	0.3	0.4	0.4	0.4	0.5

<sup>13</sup> “Reported cases” include symptomatic patients, non-symptomatic disease carriers, and death from infectious diseases. Source: National Epidemiological Surveillance of Infectious Diseases (number of reported cases as of June 14, 2018).

<sup>14</sup> School attendance rate for compulsory education: Percentage of the number of school-attending students excluding foreigners to the compulsory education age population (which is the total of the number of school-attending students excluding foreigners + those who are allowed to defer or be exempted from attending school + those whose whereabouts have not been identified for more than 1 year).

<sup>15</sup> Rate of advancement to high school, etc.: Among those who graduated from junior high school and compulsory education school, or completed the junior-high level course at schools for secondary education, percentage occupied by those who have advanced to regular or special courses of high school, etc. or to technical college (including those who have advanced to high schools or have obtained a job and excluding those who are preparing for entrance exams for high schools).

	2013	2014	2015	2016	2017
Public	1.6	1.4	1.3	1.3	1.3
Private	1.9	1.7	1.6	1.5	1.5

*Number of students per teacher in public schools*

26. As of May 1, 2018, the number of students per teacher in Japanese public schools was 16.3 for elementary schools, 13.6 for junior high schools, 12.0 for Compulsory Education Schools, 13.3 for secondary schools, 1.7 for special needs education schools, and 13.5 for high schools.

	Elementary school	Junior high school	Compulsory Education School	Secondary school	Special needs education school	High school
Number of students	6 312 251	2 983 705	32 957	22 367	139 661	2 242 205
Number of teachers	388 226	219 046	2 748	1 684	80 407	166 254
Number of students per teacher	16.3	13.6	12.0	13.3	1.7	13.5

*Literacy rate*

27. In recent years, no relevant official survey has been carried out in Japan. For reference, see the school attendance rate in para.24 above.

**Other statistics**

28. In 2018, the average number of household members was 2.44. Households consisting of a single parent with unmarried children accounted for 7.2%, or 3.683 million households, while mother-child households made up 1.3%, or 662,000 households<sup>16,17</sup>.

Year	Total	Households consisting of a single parent with unmarried children		Mother-child households		Average number of household members
		Estimated number (in thousand households)	Percentage distribution (%)	Estimated number (in thousand households)	Percentage distribution (%)	
2014	50 431	3 576	7.1	732	1.5	2.49
2015	50 361	3 624	7.2	793	1.6	2.49
2016	49 945	3 640	7.3	712	1.4	2.47
2017	50 425	3 645	7.2	767	1.5	2.47
2018	50 991	3 683	7.2	662	1.3	2.44

29. As for the average percentage of consumption expenditures per household in 2018, food accounted for 25.5%, housing 7.6%, medical care 4.6%, education 3.2%, and others 59.1%.

<sup>16</sup> Source: Comprehensive Survey of Living Conditions, Ministry of Health, Labour and Welfare.

<sup>17</sup> The figures for 2016 exclude that of Kumamoto Prefecture.



30. Available statistical data for the last 5-year period are shown below<sup>18</sup>.

(Unit: %)

	<i>2014 Average</i>	<i>2015 Average</i>	<i>2016 Average</i>	<i>2017 Average</i>	<i>2018 Average</i>
Consumption expenditures	100.0	100.0	100.0	100.0	100.0
Food	24.0	25.0	25.7	25.5	25.5
Housing	7.6	7.6	7.3	7.4	7.6
Medical care	4.4	4.4	4.5	4.5	4.6
Education	3.0	3.0	3.2	3.1	3.2
Others <sup>19</sup>	61.1	60.0	59.3	59.6	59.1

31. Japan's relative poverty rate reached 15.7% in 2015 and that of children was 13.9%. Available statistical data for every three years during the period 2003-2015 are described below<sup>20</sup>.

(Unit: %)

<i>Year</i>	<i>2003</i>	<i>2006</i>	<i>2009</i>	<i>2012</i>	<i>2015<sup>21</sup></i>
Relative poverty rate	14.9	15.7	16.0	16.1	15.7
Child poverty rate	13.7	14.2	15.7	16.3	13.9
Working age households with children	12.5	12.2	14.6	15.1	12.9
One adult	58.7	54.3	50.8	54.6	50.8
Two or more adults	10.5	10.2	12.7	12.4	10.7

32. Due to an increase of aged households<sup>22</sup>, the Gini coefficient of initial income<sup>23</sup> has been increasing year by year; however, that of the redistributed income<sup>24</sup> has remained around 0.38 since the 1999 survey<sup>25</sup>.

<sup>18</sup> Source: Family Income and Expenditure Survey, Statistics Bureau, Ministry of Internal Affairs and Communications.

<sup>19</sup> "Others" is comprised of "Fuel, light, & water charges," "Furniture & household utensils," "Clothing & footwear," "Transportation & communication," "Culture & recreation," and "Other consumption expenditures."

<sup>20</sup> Source: Comprehensive Survey of Living Conditions, Ministry of Health, Labour and Welfare. The poverty rate is calculated based on OECD standards. "Adult" refers to those aged 18 or older, "children" refers to those aged 17 or younger, and "working age households" refers to households including householders aged 18 or older and younger than 65. Household members whose equivalent disposable income is unknown are excluded.

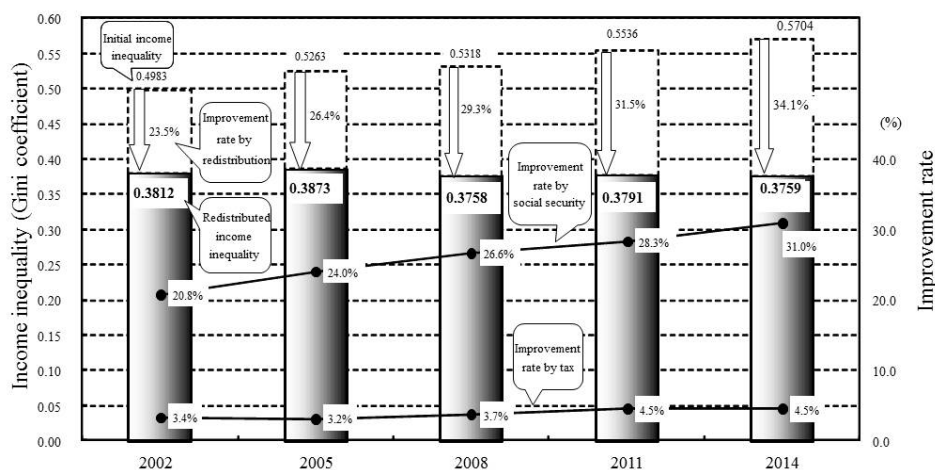
<sup>21</sup> The figure in 2015 excludes that of Kumamoto Prefecture.

<sup>22</sup> An aged household is a household that consists of one or more persons aged 65 and over, or a household that consists of persons aged 65 and over and unmarried persons aged less than 18.

<sup>23</sup> Initial income is the total amount of employees' income, business income, agricultural income, livestock income, property income, income from work carried out in the home, miscellaneous income, and private benefits (the total amount of allowances, corporate pensions, retirement pay, life insurance money, etc.).

<sup>24</sup> Redistributed income is initial income minus taxes and social insurance premiums but plus social benefits.

<sup>25</sup> Source: Survey on the Redistribution of Income, Ministry of Health, Labour and Welfare.



#### (iv) Economic characteristics

##### Statistics on employment

33. Japan's average labor force in 2018 was 68.30 million, which accounted for 61.5% of the total population aged 15 or older. Out of this, the female labor force was 30.14 million or 52.5% of the total female population aged 15 or older, and the male labor force was 38.17 million, or 71.2% of the total male population aged 15 or older.

34. The average annual increase in the labor force (the increase rate of the labor force against the previous year) for 2018 was 1.6% in total, 2.6% for women, and 0.9% for men.

35. The average rate of employed persons to the population aged 15 or older in 2018 was 60.0%, of which women accounted for 51.3% and men accounted for 69.3%.

36. The annual average unemployment rate for 2018 was 2.4%. On a gender basis, the female unemployment rate was 2.2% while the male unemployment rate was 2.6%.

37. Available statistical data for the last 5-year period relating to paras.33 to 36 above are as follows<sup>26</sup>.

(Unit: 10,000 persons)

Year	Total of men and women					
	Labor force			Labor force participation rate (%)	Employment rate (%)	Unemployment rate (%) <sup>27</sup>
	Total	Year on year change <sup>28</sup>				
2014	6 609	0.2		59.4	57.3	3.6
2015	6 625	0.2		59.6	57.6	3.4
2016	6 673	0.7		60.0	58.1	3.1
2017	6 720	0.7		60.5	58.8	2.8
2018	6 830	1.6		61.5	60.0	2.4

<sup>26</sup> Source: Yearly Average Results of Labour Force Survey (Basic Tabulation), Statistics Bureau, Ministry of Internal Affairs and Communications.

<sup>27</sup> Unemployment rate = The number of unemployed person / Labor force \* 100.

<sup>28</sup> Year on year change rate of labor force = Year on year change of labor force / Previous year's total labor force \* 100.

<i>Women</i>						
<i>Year</i>	<i>Labor force</i>		<i>Labor force participation rate (%)</i>	<i>Employment rate (%)</i>	<i>Unemployment rate (%)</i>	
	<i>Total</i>	<i>Year on year change</i>				
2014	2 832	0.8	49.2	47.6	3.4	
2015	2 852	0.7	49.6	48.0	3.1	
2016	2 892	1.4	50.3	48.9	2.8	
2017	2 937	1.6	51.1	49.8	2.7	
2018	3 014	2.6	52.5	51.3	2.2	

<i>Men</i>						
<i>Year</i>	<i>Labor force</i>		<i>Labor force participation rate (%)</i>	<i>Employment rate (%)</i>	<i>Unemployment rate (%)</i>	
	<i>Total</i>	<i>Year on year change</i>				
2014	3 776	-0.2	70.4	67.7	3.7	
2015	3 773	-0.1	70.3	67.8	3.6	
2016	3 781	0.2	70.4	68.1	3.3	
2017	3 784	0.1	70.5	68.4	3.0	
2018	3 817	0.9	71.2	69.3	2.6	

38. The yearly average rates of the employees engaged in primary, secondary, and tertiary industries among total employed persons in 2018 were 3.4%, 23.5%, and 71.0%, respectively. When looked at by gender, the percentage distribution of male employed persons in primary, secondary, and tertiary industries was 3.8%, 31.3%, and 63.0% and that of female employed persons was 3.0%, 13.7%, and 81.2%, respectively.

39. Available statistical data for the last 5-year period are as follows:<sup>29</sup>

**(Unit: %)**

<i>Percentage of total employed persons</i>									
<i>Year</i>	<i>Total</i>			<i>Men</i>			<i>Women</i>		
	<i>Primary industries<sup>30</sup></i>	<i>Secondary industries<sup>31</sup></i>	<i>Tertiary industries<sup>32</sup></i>	<i>Primary industries</i>	<i>Secondary industries</i>	<i>Tertiary industries</i>	<i>Primary industries</i>	<i>Secondary industries</i>	<i>Tertiary industries</i>
2014	3.6	24.4	70.4	3.9	32.2	62.5	3.2	14.1	81.0
2015	3.6	24.1	70.7	3.9	31.8	62.8	3.2	14.1	81.0
2016	3.4	23.9	71.1	3.8	31.5	63.2	3.0	13.9	81.5
2017	3.4	23.8	71.2	3.7	31.6	63.2	2.9	13.7	81.4
2018	3.4	23.5	71.0	3.8	31.3	63.0	3.0	13.7	81.2

40. The average rate of unionization (percentage of union members among all employees) in 2018 was 17.0%.

<sup>29</sup> Source: Yearly Average Results of Labour Force Survey (Basic Tabulation), Statistics Bureau, Ministry of Internal Affairs and Communications.

<sup>30</sup> Primary industries: Agriculture, forestry and fisheries.

<sup>31</sup> Secondary industries: Mining, stone quarrying, sand and gravel pits, construction and manufacturing.

<sup>32</sup> Tertiary industries: Electricity, gas, heat supply, and water through public utilities (excluding those classified as other categories).

**Economic indicators**

41. Japan's national income per capita in 2017 increased by 2.6% from the previous year to 3,163,000 yen (USD 28,198).

42. Japan's gross domestic product (GDP) in 2017 increased by 1.7% from the previous year to 545,121.9 billion yen (USD 4,860.4 billion).

43. Japan's gross national income (GNI) in 2017 increased by 2.0% from the previous year to 565,061.1 billion yen (USD 5,038.2 billion).

44. Available statistical data relating to paras. 41 to 43 above for the last 5-year period are shown below<sup>33</sup>.

<b>National Income per Capita</b>					<b>(Unit: thousand yen)</b>
<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	
2 913	2 954	3 069	3 082	3 163	

<b>Gross Domestic Product (GDP) &lt;Nominal&gt;</b>					<b>(Unit: billion yen)</b>
<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	
503 175.6	513 876.0	531 319.8	535 986.4	545 121.9	

<b>Gross National Income (GNI) &lt;Nominal&gt;</b>					<b>(Unit: billion yen)</b>
<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	
520 067.4	532 369.7	551 729.7	553 965.2	565 061.1	

45. The consumer price index (CPI) in 2018 increased 1.0% on a year-to-year basis.

46. Available statistical data for the last 5-year period are as follows<sup>34</sup>:

<i>Year</i>	<i>Index</i>	<i>Year to year change (%)</i>
2014	99.2	2.7
2015	100.0	0.8
2016	99.9	-0.1
2017	100.4	0.5
2018	101.3	1.0

47. Japan's general government deficit (debt securities) in FY2017 stood at 1,074,295.0 billion yen.

48. Available statistical data for the last 5-year period are shown below<sup>35</sup>:

<sup>33</sup> Source: Annual Report of National Account for 2017, The Economic and Social Research Institute (ESRI), Cabinet Office.

<sup>34</sup> Source: Consumer price index (of which base year is 2015, provided that the figures of "year to year rate" in 2014 and 2015 are calculated based on the published values whose base year is 2010.), Statistics Bureau, Ministry of Internal Affairs and Communications.

<sup>35</sup> Source: Annual Report of National Account for 2017, The Economic and Social Research Institute (ESRI), Cabinet Office.

**(Unit: billion yen)**

	<i>FY2013</i>	<i>FY2014</i>	<i>FY2015</i>	<i>FY2016</i>	<i>FY2017</i>
Change in debt	32 991.6	47 867.8	34 066.6	5 139.7	19 669.2
Outstanding debts	967 551.7	1 015 419.5	1 049 486.1	1 054 625.8	1 074 295.0

49. The amount of social security benefits<sup>36</sup> in FY2017 was 1,202,443 billion yen, making up 22.0% of GDP<sup>37</sup>.

50. Available statistical data for the last 5-year period are as follows:

<i>FY</i>	<i>Social security benefits (billion yen)</i>	<i>Ratio to GDP (%)</i>
2013	1 107 796	21.8
2014	1 121 734	21.6
2015	1 168 403	21.9
2016	1 184 089	22.1
2017	1 202 443	22.0

51. Available statistical data relating to social security-related expenditures<sup>38</sup> for the last 5-year period are shown below.

<i>Year</i>	<i>Social security-related expenditures (billion yen)</i>	<i>Ratio to general account expenditures (%)</i>	<i>Ratio to GDP (%)</i>
2013	292 320.1	29.2	5.8
2014	301 709.1	30.5	5.8
2015	313 976.6	32.0	5.9
2016	322 081.9	33.0	6.0
2017	325 210.6	33.1	5.9

52. Japan's ODA budget (excluding supplementary budget) in FY2018 was 553.8 billion yen<sup>39</sup>. In 2017, the percentage of GNI spent on ODA was 0.23 %.

## **B. Constitutional, political, and legal structure of the State**

### **(i) Political system**

53. Japan's political system is based on the so-called principle of independence of the three branches of government: legislative (the Diet), executive (the Cabinet), and judicial (the courts) and is a parliamentary democracy.

54. The Constitution of Japan declares that sovereign power resides with the people and stipulates that the Diet shall be the sole law-making organ of the State (Article 41), that executive power shall be vested in the Cabinet (Article 65), and that judicial power is

<sup>36</sup> This was estimated by using the actual results of benefits paid under the domestic social security systems according to the social security standards determined by the ILO for the purpose of international comparison.

<sup>37</sup> Calculation is based on the nominal GDP in Quarterly Estimates of GDP for each year of the Cabinet Office.

<sup>38</sup> This refers to the part of the Government's general account expenditures relating to social security, which is roughly equivalent to the part of the social security benefits in Footnote 36 covered by the National Treasury.

<sup>39</sup> Article 11 of the Public Finance Act stipulates that Japan's fiscal year runs from April 1 until March 31 of the following year.

vested in the courts (paragraph 1 of Article 76). It adopts a parliamentary cabinet system with respect to the relationship between the Diet and the Cabinet.

55. Local public entities shall have independent power from the central organizations, especially in terms of administrative power, based on the principle of the autonomy of entities and residents (Articles 92 to 95).

56. The Constitution of Japan has provisions relating to the Diet in Chapter 4 (Articles 41 to 64), the Cabinet in Chapter 5 (Articles 65 to 75), and the Judiciary in Chapter 6 (Articles 76 to 82).

## **(ii) Legislative branch**

### **General**

57. The Diet of Japan consists of the House of Representatives and the House of Councillors (Article 42), and both Houses consist of elected members, representative of all the people (paragraph 1 of Article 43 of the Constitution).

58. The right to vote is granted equally to all men and women having Japanese nationality aged 18 or older. This is as a result of the amendment of the Public Offices Election Act in 2015, which allowed persons aged 18 years or older and below 20 years to vote. With regard to eligibility for election, all Japanese nationals, whether male or female, aged 25 or older are able to stand for election for the House of Representatives, while every Japanese national aged 30 or older is able to stand for election for the House of Councillors.

59. Under the Constitution of Japan, the term of office of members of the House of Representatives is four years (however, the term is terminated before the full term expires in the case that the House of Representatives is dissolved) while the term of office of members of the House of Councillors is six years (and election for half the members takes place every three years) (Articles 45 and 46).

60. The House of Representatives has 465 members, of whom 289 are elected under a single-representative constituency system, while 176 are elected under a proportional representation system in which the nation is divided into 11 regions. With regard to the House of Councillors, as a result of the amendment of the Public Offices Election Act in 2018, it has, after the first House of Councillors election following the amendment, 248 (242 before the amendment) members, of whom 100 (96 before the amendment) are elected through proportional representation and 148 (146 before the amendment) are elected as representatives of the nation's 47 electoral districts, i.e., prefectures.

### **Political parties**

61. Political parties play important roles in keeping the separation of powers in place. While there is no direct provision, the Constitution of Japan has provisions that anticipate the existence of political parties that guarantee the freedom of association (Article 21) or that adopt the parliamentary system of government (paragraph 3 of Article 66, Articles 67 to 69). According to Article 3 of the Political Funds Control Act, a political organization is defined as 1) an organization whose purposes are principally to promote, support, or oppose a political principle or policy, or 2) an organization whose principal purposes are to recommend, support, or oppose a candidate for elective public office and others. Of these, 1) a political organization having 5 or more members of the House of Representatives or the House of Councillors or 2) a political organization which obtained 2% or more of the total effective votes in the most recent election for the members of the House of Representatives or the House of Councillors is defined as a "political party."

62. As of July 30, 2019, 9 political parties have been publicly announced: NHK Kara Kokumin wo Mamoru To (the Party to Protect the People from NHK), The Party of Hope, Komeito, Democratic Party For the People, Social Democratic Party, Liberal Democratic Party of Japan, Nippon Ishin (Japan Innovation Party), Japanese Communist Party, the Constitutional Democratic Party of Japan and REIWA SHINSENGUMI.

## Statistics

63. The number of persons registered on voting lists as of September, 2018 was 106,076,923, of which 51,290,275 voters were male while 54,786,648 voters were female. The percentage of registered voters to the total population was 83.5<sup>40</sup>.

	2014.9	2015.9	2016.9	2017.9	2018.9
<b>Total registered voters (persons)</b>	<b>104 052 900</b>	<b>104 003 897</b>	<b>106 358 661</b>	<b>106 252 901</b>	<b>106 076 923</b>
Men (persons)	50 250 607	50 221 268	51 430 105	51 377 607	51 290 275
Women (persons)	53 802 293	53 782 629	54 928 556	54 875 294	54 786 648
Population Census (persons)	128 057 352	127 094 745	127 094 745	127 094 745	127 094 745
Registered voters/ Population Census (%)	81.3	81.8	83.7	83.6	83.5

64. There are no official data relating to the penetration rate of televisions, newspapers, and radios. For reference, the trends in the Internet usage rate are shown below.

	2013	2014	2015	2016	2017
Internet usage rate (%)	82.8	82.8	83.0	83.5	80.9

65. As of the end of July 2019, political groups have the following numbers of seats:

Name of political group	Number of seats in the House of Representatives			Name of political group	Number of seats in the House of Councillors		
	Men	Women	Total		Men	Women	Total
Liberal Democratic Party	263	22	285	Liberal Democratic Party and Voice of The People	94	20	114
The Constitutional Democratic Party of Japan	55	15	70	The Constitutional Democratic Party of Japan and Minyukai and Hope Coalition	26	9	35
Democratic Party For the People	37	2	39	Komeito	23	5	28
Komeito	25	4	29	Democratic Party For the People and The Shin-Ryokufukai	18	8	26
Japanese Communist Party	9	3	12	Nippon Ishin (Japan Innovation Party)	13	3	16
Nippon Ishin (Japan Innovation Party)	10	1	11	Japanese Communist Party	8	5	13
The Reviewing Group on Social Security Policy	8	0	8	Okinawa Whirlwind	2	0	2
Social Democratic Party	2	0	2	REIWA SHINSENGUMI	1	1	2

<sup>40</sup> The figures are based on the number of voters registered on domestic and overseas electoral roll (prepared by the Ministry of Internal Affairs and Communications) and the results of the Population Census (The figures for 2014.9 and before refer to the 2010 Population Census. The figures for 2015.9 and after refer to the 2015 Population Census.).

<i>Name of political group</i>	<i>Number of seats in the House of Representatives</i>			<i>Name of political group</i>	<i>Number of seats in the House of Councillors</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>		<i>Men</i>	<i>Women</i>	<i>Total</i>
The Party of Hope	2	0	2	Hekisuikai	0	2	2
				Your Party	2	0	2
Independents (Vacancy)	7	0	7	Independents (Vacancy)	2	3	5
<b>Total</b>	<b>418</b>	<b>47</b>	<b>465</b>	<b>Total</b>	<b>189</b>	<b>56</b>	<b>245</b>

66. Numbers of seats held by respective political parties at National Election are as follows:

	<i>Election of members of the House of Representatives 2017</i>			<i>Election of members of the House of Councillors 2019</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Liberal Democratic Party	261	20	281	47	10	57
The Constitutional Democratic Party of Japan	42	12	54	11	6	17
Party of Hope	48	2	50	-	-	-
Komeito	25	4	29	12	2	14
Nippon Ishin (Japan Innovation Party)	10	1	11	9	1	10
Japanese Communist Party	9	3	12	4	3	7
Democratic Party For the People	-	-	-	5	1	6
REIWA SHINSENGUMI	-	-	-	1	1	2
Social Democratic Party	2	0	2	1	0	1
NHK Kara Kokumin wo Mamoru To (the Party to Protect the People from NHK)	-	-	-	1	0	1
Independents	21	5	26	5	4	9
<b>Total</b>	<b>418</b>	<b>47</b>	<b>465</b>	<b>96</b>	<b>28</b>	<b>124</b>

67. Under the “Fourth Basic Plan for Gender Equality,” the Government of Japan promotes women’s participation and advancement in various fields of society and expands women’s participation in policy decision-making processes.

68. In the House of Representatives, 47 seats out of 465 are held by female members (10.1%, as of August 2019) and 3 out of 26 chairpersons of Standing Committees and Special Committees are women (11.5%, as of August 2019). In the House of Councillors, 56 seats out of 245 are held by female members (22.9%, as of August 2019) while 3 out of 24 chairpersons of Standing Committees and Special Committees are women (12.5%, as of August 2019).

69. Under recognition that the expansion of women’s participation in political fields is important in the Fourth Basic Plan for Gender Equality, the Government set the goal (a non-binding goal which the Government aims to achieve by working with political parties) of the ratio of female candidates to the members of both the House of Representatives and the House of Councillors at 30% by 2020. Based on this Plan, the Minister of State (for Gender Equality) asked each political party for cooperation in introducing positive actions such as voluntary initiatives, including setting goals for the ratio of female candidates, and developing systems to promote work-life balance.



70. In addition, the Act on Promotion of Gender Equality in the Political Field, legislation initiated by diet members, was promulgated and enforced in May 2018. The Act provides that political parties are to endeavor to implement voluntary initiatives, such as setting a goal for the number of male and female party candidates for public office.

71. The goal of 30% in the above-mentioned Fourth Basic Plan for Gender Equality is a goal which not each political party but the Government as a whole aims to achieve. In contrast, the Act enforced in May 2018 calls for implementation of voluntary initiatives by political parties.

72. Available statistical data on the percentage of female Diet members for the last 5-year period is as follows:

	2015*	2016*	2017*	2018*	2019*
Female members of the House of Representatives (persons)	45	45	44	47	47
Percentage of female members among total members of the House of Representatives (excluding vacancies) (%)	9.5	9.5	9.3	10.1	10.2
Female members of the House of Councillors (persons)	38	38	50	50	50
Percentage of female members among total members of the House of Councillors (excluding vacancies) (%)	15.7	15.7	20.7	20.7	20.7

\* Figures shown are those as of January each year.

#### Average voter turnout in national or local elections per prefecture

73. Average voter turnout in the most recent national election (House of Councillors Election 2019 for members to be elected under the proportional representation system) was 48.79%. Voter turnout for the latest elections for prefectural governors is shown in the following table:

(Unit: %)

Prefecture	National Election		Local Elections
	House of Councillors Election 2019 (proportional representation)	House of Councillors Election 2019 (electoral district)	Prefectural Governor Election (as of July 22, 2019)
Hokkaido	53.75	53.76	58.34
Aomori	42.93	42.94	40.08
Iwate	56.54	56.55	No voting
Miyagi	51.16	51.17	53.29
Akita	56.28	56.29	56.83
Yamagata	60.73	60.74	No voting
Fukushima	52.41	52.41	45.04
Ibaraki	45.02	45.02	43.48
Tochigi	44.14	44.14	33.27
Gunma	48.17	48.18	48.51
Saitama	46.48	46.48	26.63
Chiba	45.28	45.28	31.18
Tokyo	51.76	51.77	59.73

<i>Prefecture</i>	<i>National Election</i>		<i>Local Elections</i>
	<i>House of Councillors Election 2019 (proportional representation)</i>	<i>House of Councillors Election 2019 (electoral district)</i>	<i>Prefectural Governor Election (as of July 22, 2019)</i>
Kanagawa	48.72	48.73	40.28
Niigata	55.30	55.31	58.25
Toyama	46.87	46.88	35.34
Ishikawa	47.00	47.00	39.07
Fukui	47.63	47.64	58.35
Yamanashi	51.56	51.56	57.93
Nagano	54.29	54.29	43.28
Gifu	51.00	51.00	36.39
Shizuoka	50.45	50.46	46.44
Aichi	48.18	48.18	35.51
Mie	51.69	51.69	46.68
Shiga	51.96	51.96	40.62
Kyoto	46.42	46.42	35.17
Osaka	48.62	48.63	49.49
Hyogo	48.59	48.60	40.86
Nara	49.53	49.53	48.49
Wakayama	50.41	50.42	38.33
Tottori	49.98	49.98	53.09
Shimane	54.04	54.04	62.04
Okayama	45.08	45.08	33.91
Hiroshima	44.67	44.67	31.09
Yamaguchi	47.31	47.32	36.49
Tokushima	38.60	38.59	48.34
Kagawa	45.31	45.31	29.34
Ehime	52.38	52.39	39.05
Kochi	46.33	46.34	No voting
Fukuoka	42.85	42.85	42.72
Saga	45.25	45.25	35.26
Nagasaki	45.46	45.46	36.03
Kumamoto	47.23	47.23	51.01
Oita	50.54	50.54	47.41
Miyazaki	41.78	41.79	33.90
Kagoshima	45.75	45.75	56.77
Okinawa	48.96	49.00	63.24
<b>Total</b>	<b>48.79</b>	<b>48.80</b>	<b>—</b>

**(iii) Executive branch**

74. The Cabinet shall consist of the Prime Minister and other Ministers of State (paragraph 1 of Article 66 of the Constitution of Japan).

75. At present, under the Cabinet, the executive branch of Japan consists of one Office and 13 Ministries and Agencies (the Cabinet Office; the National Public Safety Commission (the National Police Agency); the Reconstruction Agency; the Ministry of Internal Affairs and Communications; the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of Finance; the Ministry of Education, Culture, Sports, Science and Technology; the Ministry of Health, Labour and Welfare; the Ministry of Agriculture, Forestry, and Fisheries; the Ministry of Economy, Trade and Industry; the Ministry of Land, Infrastructure, Transport and Tourism; the Ministry of Environment; and the Ministry of Defense).

76. There are also the National Personnel Authority, the Fair Trade Commission, the Environmental Disputes Coordination Commission, the Public Security Examination Commission, the Central Labor Relations Commission, the Nuclear Regulation Authority, and other administrative organizations.

77. Japan adopts the public servant personnel system under which public servants are in charge of the administrative affairs of the nation and local governments.

**(iv) Judicial branch****General**

78. According to the Constitution of Japan, the whole judicial power is vested in the courts (paragraph 1 of Article 76). All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws (paragraph 3 of Article 76). Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties and no disciplinary action against judges shall be administered by any executive organ or agency (Article 78). The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted (Article 64) and the appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of 10 years, and in the same manner thereafter (paragraph 2 of Article 79). When the majority of the voters favors the dismissal of a judge, he shall be dismissed (paragraphs 2 to 4 of Article 79).

79. There are two types of courts in Japan; namely, the Supreme Court and inferior courts (high court, district court, family court, and summary court). The Supreme Court is headed by the Chief Justice and has 14 judges. Japan has a three-tiered court system in principle and adopts a retrial system under which a retrial is allowed if there is a justifiable reason approved by law even after the judgment becomes final. Trials shall be conducted and judgment declared publicly (paragraph 1 of Article 82).

## Statistics on criminal justice

### Number of cases of felonious offenses<sup>41</sup> and violent offenses<sup>42</sup> known to the police per 100,000 population (2017)

	2017	
	<i>Number of cases known to police</i>	<i>Percentage of cases known to police per 100,000 population<sup>43</sup></i>
<b>Felonious offenses</b>	<b>4 840</b>	<b>3.85</b>
<b>Total of murder</b>	<b>920</b>	<b>0.7</b>
Homicide	878	0.7
Infanticide	11	0.0
Preparation for homicide	21	0.0
Assisting suicide	10	0.0
<b>Total of robbery</b>	<b>1 852</b>	<b>1.5</b>
Robbery causing death	20	0.0
Robbery causing injury	701	0.6
Robbery-forcible sexual intercourse	28	0.0
Robbery & Quasi-robbery	1 103	0.9
Arson	959	0.8
Forcible sexual intercourse	1 109	0.9
<b>Violent offenses</b>	<b>60 099</b>	<b>47.3</b>
Unlawful assembly with dangerous weapons	3	0.0
Assault	31 013	24.4
Injury	23 204	18.3
Injury causing death	82	0.1
Intimidation	3 851	3.0
Extortion	1 946	1.5

<sup>41</sup> In these statistics, felonious offenses refer to homicide (Articles 199, 201, and 202 of the Penal Code and Articles 3 (1) (vii), 3 (2), 6 (1) (i), and 6 (2) of the Act on Punishment of Organized Crimes and Control of Crime Proceeds), robbery (Articles 236 to 241 of the Penal Code, Articles 2 to 4 of the Act on Prevention and Punishment of Robbery and Theft Act), arson (Articles 108 to 111, 113 and 114 of the Penal Code), forcible sexual intercourse (Articles 177, 178 (2), 178-2, and 181 (2) and (3) of the Penal Code before revision on July 13, 2017 and Articles 177, 178 (2), 179 (2), and 181 (2) of the Penal Code after revision on July 13, 2017). As for forcible sexual intercourse, several relevant provisions of the Penal Code were revised (entered into force on July 13, 2017) and since the title and element of the crime 'rape' were revised the expression 'rape' is now altered to 'forcible sexual intercourse'.

<sup>42</sup> In these statistics, violent offenses refer to unlawful assembly with weapons (Article 208-2 of the Penal Code), assault (Article 208 of the Penal Code and Articles 1 and 1-3 of the Act on Punishment of Physical Violence and Others), injury (Articles 204 to 206 of the Penal Code and Articles 1-2 and 1-3 of the Act on Punishment of Physical Violence and Others), intimidation (Articles 222 and 223 of the Penal Code, Articles 1 and 1-3 of the Act on Punishment of Physical Violence and Others, and Articles 3 (1) (ix) and 3 (2) of the Act on Punishment of Organized Crimes and Control of Crime Proceeds), and extortion (Article 249 of the Penal Code and Articles 3 (1) (xiv) and 3 (2) of the Act on Punishment of Organized Crimes and Control of Crime Proceeds).

<sup>43</sup> Using the total population based on the Basic Count of the 2015 Population Census announced by the Ministry of Internal Affairs and Communications.

**Number of felonious or violent arrestees per 100,000 population and percentage of each type of offense (2017)**

	2017		
	<i>Number of arrestees</i>	<i>Number of arrestees per 100,000 population <sup>44</sup></i>	<i>Percentage of each type of offense where the total of felonious offenses and violent offenses is 100 (%)</i>
<b>Total of felonious offenses and violent offenses</b>	<b>55 320</b>	<b>43.5</b>	<b>100.0</b>
Felonious offenses	4 067	3.2	7.4
<b>Total of Murder</b>	<b>874</b>	<b>0.7</b>	<b>1.6</b>
Homicide	835	0.7	1.5
Infanticide	11	0.0	0.0
Preparation for homicide	19	0.0	0.0
Assisting suicide	9	0.0	0.0
<b>Total of Robbery</b>	<b>1 704</b>	<b>1.3</b>	<b>3.1</b>
Robbery causing death	31	0.0	0.1
Robbery causing injury	781	0.6	1.4
Robbery-forcible sexual intercourse	24	0.0	0.0
Robbery & Quasi-robbery	868	0.7	1.6
Arson	579	0.5	1.0
Forcible sexual intercourse	910	0.7	1.6
Violent offenses	51 253	40.3	92.6
Unlawful assembly with dangerous weapons	6	0.0	0.0
Assault	25 696	20.2	46.4
Injury	20 889	16.4	37.8
Injury causing death	90	0.1	0.2
Intimidation	2 808	2.2	5.1
Extortion	1 764	1.4	3.2

<sup>44</sup> Using the total population based on the Basic Count of the 2015 Population Census announced by the Ministry of Internal Affairs and Communications.

**Numbers of persons who were subject to punishment under the category of felonious offenses<sup>45</sup> at their criminal trial in the first instance and were handed down a guilty verdict<sup>46</sup>, and of persons who received a sentence of imprisonment<sup>47, 48, 49</sup>**

	<i>Number of persons found guilty</i>	<i>Of these number of persons sentenced to imprisonment</i>
2013	1 729	1 724
2014	1 672	1 670
2015	1 571	1 567
2016	1 449	1 446
2017	1 228	1 225

**Number of felonious offenders (arson, forcible sexual intercourse, homicide, and robbery) who were arrested<sup>50</sup>, prosecuted, and sentenced to imprisonment<sup>51</sup>**

	<i>Category</i>	<i>Forcible Sexual</i>			
		<i>Arson</i>	<i>Intercourse</i>	<i>Homicide</i>	<i>Robbery</i>
2013	Arrested	542	837	501	1 739
	Prosecuted	340	531	312	1 242
	Sentenced to imprisonment	125	325	252	643
2014	Arrested	542	784	494	1 602
	Prosecuted	319	448	322	1 110
	Sentenced to imprisonment	129	282	212	602
2015	Arrested	562	770	501	1 411
	Prosecuted	369	453	323	944
	Sentenced to imprisonment	109	302	230	544
2016	Arrested	493	716	452	1 229
	Prosecuted	297	370	274	787
	Sentenced to imprisonment	154	260	216	413
2017	Arrested	487	674	481	973
	Prosecuted	260	354	301	657
	Sentenced to imprisonment	103	222	176	412

<sup>45</sup> In these statistics, felonious offenses refer to arson (Articles 108 to 111, 113, and 114 of the Penal Code), forcible sexual intercourse (Articles 177, 178 (2), 179 (2), and 181 (2) of the Penal Code), homicide (Articles 199 and 201 of the Penal Code) and robbery (Articles 236 to 241 of the Penal Code, Articles 2 to 4 of the Act on Prevention and Punishment of Robbery and Theft Act). In addition, forcible sexual intercourse includes rape (Article 177, 178 (2), 178-2, and 181 (2) and (3) of the Penal Code before revision by Act No. 72 of 2017).

<sup>46</sup> The number of persons found guilty includes those who prosecuted for multiple counts and found not guilty of a part of these counts.

<sup>47</sup> Punishment by imprisonment includes imprisonment for life.

<sup>48</sup> Refers to actual number.

<sup>49</sup> Based on the statistics by the Supreme Court.

<sup>50</sup> Number of arrested offenders refers to only those of cases already finished.

<sup>51</sup> Number of persons who were sentenced to imprisonment refers to the number of new inmates. Homicide includes infanticide (Article 199 of the Penal Code) and preparation for homicide (Article 201 of said Code) and inducing or aiding suicide (Article 202 of said Code).

**Number of sex crime cases known to police**

	2013	2014	2015	2016	2017
Forcible sexual intercourse	1 409	1 250	1 167	989	1 109
Forcible indecency	7 654	7 400	6 755	6 188	5 809
Public indecency	3 175	3 143	2 912	2 824	2 721
Distribution of obscene objects, etc.	1 089	1 151	1 095	1 008	971

**Term of pre-sentencing detention**

80. The Code of Criminal Procedure of Japan limits the detention period of a suspect after arrest and before indictment to 23 days in total so that the investigation can be sufficiently performed to clarify the case while guaranteeing the human rights of the suspect.

81. When indicted, the accused may be released on bail under certain conditions that he or she is deemed not to conceal nor destroy evidence, etc.

**Number of sentenced persons by type of charged offenses or period of imprisonment****(i) Number of inmates by type of charged offenses**

<i>Type of charged offenses</i>	2013	2014	2015	2016	2017
<b>Total</b>	<b>55 316</b>	<b>52 860</b>	<b>51 175</b>	<b>49 027</b>	<b>46 702</b>
Penal Code Offenses	38 816	36 774	35 240	33 737	32 289
Obstruction of performance of public duty	107	104	96	81	76
Escape	-	-	-	-	-
Harboring criminals/Suppression of evidence	7	9	6	8	8
Disturbance	-	-	-	-	-
Arson	744	675	599	605	567
Breaking into a residence	324	287	270	321	286
Counterfeiting of currency	46	32	24	13	11
Counterfeiting of documents, securities, or seals/Unauthorized creation of electronic or magnetic records of payment cards	248	212	175	156	157
Perjury/False complaint	4	4	3	1	3
Indecency/Distribution of obscene documents	73	116	43	50	39
Forcible indecency/Forcible indecency causing death or injury	974	968	958	898	828
Forcible sexual intercourse/Forcible sexual intercourse causing death or injury	1 838	1 734	1 826	1 795	1 712
Gambling/Lotteries	22	11	12	22	25
Bribery	2	3	3	4	2
Homicide	3 371	3 170	3 027	2 874	2 724
Injury	1 831	1 730	1 606	1 444	1 355
Injury causing death	711	679	664	632	620
Assault	131	127	131	125	116
Dangerous driving causing death or injury	229	240	256	235	246

<i>Type of charged offenses</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Causing death or injury through negligence in the pursuit of social activities	26	18	21	19	19
Causing death or injury through gross negligence	3	2	6	1	4
Negligent driving causing death or injury	607	572	544	512	505
Intimidation	115	113	95	89	94
Kidnapping/Buying or Selling of human beings	51	48	49	35	31
Theft	14 972	14 051	13 477	12 922	12 338
Robbery	1 914	1 772	1 608	1 395	1 244
Robbery causing death or injury	3 607	3 434	3 240	3 033	2 829
Forcible sexual intercourse at the scene of robbery/Forcible sexual intercourse at the scene of robbery causing death	489	481	465	454	431
Fraud	4 256	4 186	4 173	4 320	4 429
Extortion	609	557	472	368	328
Embezzlement/Breach of trust	477	439	391	382	349
Crimes Related to stolen property	43	35	37	27	29
Act Relating to Duel	-	-	-	-	-
Criminal Regulations to Control Explosives	32	32	31	29	16
Act on Punishment of Physical Violence and Others	247	249	248	243	240
Other Penal Code offenses	706	684	684	644	628
Special Acts Offenses	16 500	16 086	15 935	15 290	14 413
Public Offices Election Act	1	-	-	-	-
Minor Offenses Act	-	-	-	-	-
Act for Controlling the Possession of Firearms and Swords and Other Such Weapons	294	259	239	216	192
Anti-prostitution Act	38	24	31	27	30
Child Welfare Act	181	191	195	193	193
Narcotics and Psychotropics Control Act	200	212	170	135	121
Stimulants Control Act	13 893	13 538	13 421	12 904	12 170
Employment Security Act	44	44	9	12	5
Road Traffic Act	804	781	835	808	763
Immigration Control and Refugee Recognition Act	74	57	48	36	41
Other Special Acts Offenses	971	980	987	959	898

## (ii) Number of inmates per prison term

<i>Type of punishment and term</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
<b>Total</b>	<b>55 316</b>	<b>52 860</b>	<b>51 175</b>	<b>49 027</b>	<b>46 702</b>
Imprisonment with work	55 133	52 695	51 019	48 908	46 573
Up to 3 months	22	19	16	11	13
Up to 6 months	264	222	251	232	199
Up to 1 year	2 031	1 895	1 876	1 819	1 563



<i>Type of punishment and term</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
UP to 2 years	11 032	10 739	10 482	9 856	9 389
Up to 3 years	14 548	13 780	13 444	13 127	12 526
Up to 5 years	12 409	11 913	11 477	11 018	10 658
Up to 7 years	4 470	4 065	3 766	3 527	3 322
Up to 10 years	3 793	3 596	3 365	3 151	2 981
Up to 15 years	3 040	2 970	2 816	2 643	2 416
Up to 20 years	1 312	1 262	1 274	1 274	1 254
Over 20 years	369	392	417	435	457
Indefinite	1 843	1 842	1 835	1 815	1 795
Imprisonment without work	183	165	156	119	128
Up to 3 months	-	2	-	-	-
Up to 6 months	1	1	1	1	-
Up to 1 year	21	14	22	14	12
Up to 2 years	79	60	56	43	53
Up to 3 years	55	61	50	38	41
Up to 5 years	20	19	19	18	18
Over 5 years	7	8	8	5	4
Indefinite	-	-	-	-	-
Penal detention	-	-	-	-	1

(iii) Number of accidents resulting in death during detention or imprisonment<sup>52</sup>*(Unit: Cases)*

<i>Year</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Penal institutions	24	15	21	17	18
Detention facilities	6	6	1	5	8

## (iv) Number of death penalty executions per year

<i>Year</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Number of persons	8	3	3	3	4

## (v) Number of police officers, prosecutors, and judges per 100,000 population

<i>FY</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Police officers	202.26	202.98	204.03	205.01	205.42
Prosecutors	2.15	2.15	2.16	2.18	2.18
Judges	2.95	2.97	3.00	3.03	3.05

## (vi) Public expenditure for police, public safety and justice

82. The expenditures for the National Police Agency and the Ministry of Justice of the National Treasury in Fiscal Year 2017 were 308,427,282,016 yen and 752,714,814,004 yen, respectively.

<sup>52</sup> Number of accidents resulting in death refers to the number of suicides and other accidents and excludes deaths from disease.

<i>FY</i>	<i>National Police Agency (Yen)<sup>53</sup></i>	<i>Ministry of Justice (Yen)</i>
2013	286 240 742 108	699 451 452 964
2014	319 947 453 403	759 250 307 422
2015	321 137 938 205	737 953 425 350
2016	317 495 891 059	775 885 908 028
2017	308 427 282 016	752 714 814 004

(vii) Numbers of persons under detention among the accused in a criminal trial in the first instance and of persons for whom a court-appointed defense counsel was appointed<sup>54, 55</sup>

<i>Year</i>	<i>Number of persons under detention</i>	<i>Of these, number of persons for whom a court-appointed defense counsel was appointed</i>
2013	47 912	41 822
2014	47 032	41 085
2015	46 815	40 543
2016	44 761	38 702
2017	41 975	36 301

### Crime victim compensation program

#### *Benefit system for crime victims*

83. The Benefit System for Crime Victims is a framework based on a spirit of social solidarity and mutual aid. Under the system, the State provides financial benefits (“survivor benefits,” “severe injury and disease benefits,” or “disability benefits”) to crime victims who have suffered serious injury or illness or remained disabled, or to the families of crime victims who have been killed, as a result of criminal acts which harmed the life or body of individuals, to help alleviate mental suffering and financial damage.

<i>Category</i>	<i>FY</i>				
	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Number of victims who applied (Number of applications)	558 (645)	531 (623)	452 (552)	460 (536)	390 (454)
Number of victims awarded a payment (Number of rulings)	516 (597)	503 (591)	422 (523)	390 (470)	353 (414)
Number of victims denied a payment (Number of rulings)	55 (65)	56 (64)	33 (36)	50 (54)	44 (47)
[Total] Number of victims involved in rulings (Number of rulings)	571 (662)	559 (655)	455 (559)	440 (524)	397 (461)
Amount awarded (Unit: million yen)	1 233	1 243	991	882	1 001

#### *Damage recovery benefit system*

84. The benefit payment system for restitution of crime damages was initiated in December 2006 to deprive criminals of crime proceeds and for the protection of victims of such crimes. If an asset-related crime such as fraud is committed in an organized manner or any property belonging to a victim is concealed or acquired, it has become possible to confiscate such property or collect the equivalent value from the accused, and the money

<sup>53</sup> The amount of expenditures (general account) by the National Police Agency (nationwide: national expenditure) for the 5-year period.

<sup>54</sup> Refers to actual number.

<sup>55</sup> Based on the statistics by the Supreme Court.

obtained through sale of such property or money equivalent to the value of the property collected from the accused is maintained as compensation funds and then paid out to the victim for the purpose of restitution for the damage.

**(v) Local autonomy**

85. The Constitution of Japan stipulates that ‘regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy’ (Article 92). Based on this, the Local Autonomy Act was enacted in 1947.

86. As local public entities, there are 47 prefectures and 1,724 municipalities in Japan (as of April 1, 2019).

87. Each local public entity has an assembly as a deliberative organ and a head of a local government (governor or head of municipality, etc.). The assembly consists of assembly members elected by citizens and has the authority to establish and abolish the ordinances within the scope of laws and regulations and to approve the budget and settlement of accounts of the local governmental treasury.

88. The head of a local public entity, who is also elected by the citizens, manages and performs the affairs of the local government, such as enforcement of the ordinances, submission of an agenda and a budget to the assembly, and establishment of rules and regulations, etc.

89. Under the Local Autonomy Act, residents may have the right to make a direct request to the local government with respect to establishment, revision, or abolishment of the ordinances, audit of affairs, dissolution of the assembly, and dismissal of assembly members or the head thereof.

**(vi) Legal framework for NGOs**

90. In Japan, there is no official registration system for NGOs (non-governmental organizations); however, it is recognized that certain organizations working actively in international society as Japanese NGOs have the status of NPO (non-profit organization) registered under Japanese laws.

91. “NPO” is a generic term for organizations whose primary objective is to make contributions to society without distributing the proceeds therefrom to members of the organization. NPOs are allowed to conduct businesses for profit; however, they are supposed to allot the proceeds gained from their businesses to social contribution activities. Of these, a “specified non-profit juridical person” is a juridical person who has obtained a juridical personality (which means an entity other than an individual to have rights or obligations) in accordance with the Act to Promote Specified Non-profit Activities. The Act on Promotion of Specified Non-profit Activities was enacted for the purpose of promoting the sound development of free social contribution activities carried out by citizens, such as volunteer activities, and contributing to enhancing the public interest, by granting legal personality to non-profit organizations, such as civil activity organizations, with simple and plain procedures. The main feature of the system is that it is designed to respect and ensure free operation of the organization and to limit the involvement of the competent authorities as much as possible based on the selection and monitoring of citizens through information disclosure.

92. In addition, a corporation engaging in specified non-profit activities which contributes to enhancing the public interest and satisfies a certain requirement may obtain “approval.” Donations to such a corporation are subject to preferential tax treatment.

93. To organize an NPO, it is necessary to make an application to the competent authority and receive an approval thereof. After obtaining the approval and following the registration procedures, the NPO is established as a juridical person.

94. While non-profit activities can be carried out with or without legal personality, the advantage of obtaining legal personality is that various contracts and registrations, such as real estate registration and opening of a bank account, can be made under the name of the organization.

95. As of April 30, 2018, there are 51,809 specified non-profit juridical persons, including 1,076 approved specified non-profit judicial person.

## **II. General framework for the protection and promotion of Human Rights**

### **A. Acceptance of International Human Rights Norms**

#### **(i) Status of conclusion of main Human Rights Treaties and Conventions**

96. As of June 2018, the Government of Japan has concluded the following international human rights and humanitarian treaties and conventions:

- (a) Main International Human Rights Conventions and Protocols
  - International Covenant on Economic, Social, and Cultural Rights (concluded and enforced in 1979)
  - International Covenant on Civil and Political Rights (concluded and enforced in 1979)
  - International Convention on the Elimination of All Forms of Racial Discrimination (concluded in 1995 and enforced in 1996)
  - Convention on the Elimination of All Forms of Discrimination against Women (concluded and enforced in 1985)
  - Convention on the Rights of the Child (concluded and enforced in 1994)
  - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (concluded and enforced in 2004)
  - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (concluded and enforced in 2005)
  - Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (concluded and enforced in 1999)
  - Convention on the Rights of Persons with Disabilities (concluded and enforced in 2014)
  - International Convention for the Protection of All Persons from Enforced Disappearances (concluded in 2009 and enforced in 2010)
- (b) Other United Nations Human Rights Treaties
  - Convention relating to the Status of Refugees (concluded in 1981 and enforced in 1982)
  - Protocol relating to the Status of Refugees (concluded and enforced in 1982)
  - Rome Statute of the International Criminal Court (concluded and enforced in 2007)
  - United Nations Convention against Transnational Organized Crime (concluded and enforced in 2017)
  - Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (concluded and enforced in 2017)
  - Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime (concluded and enforced in 2017)

- (c) Geneva Conventions and Other Treaties on International Humanitarian Law
- 1949 Geneva Conventions (First, Second, Third, and Fourth Conventions) (concluded and enforced in 1953)
  - 1977 Protocols Additional to the Geneva Conventions (First and Second Protocols) (concluded in 2004 and enforced in 2005)

97. Some of the above-mentioned human rights treaties include an individual communications procedure and Japan has discussed the possibility of accepting this procedure. The Government considers the procedure to be noteworthy in that it would effectively guarantee the implementation of the treaties. With regard to the acceptance of the procedure, the Government has been making internal studies of various issues related to Japan's judicial system or legislative policy, and a possible organizational framework for implementing the procedure if we were to accept it. In the course of this process, the Division for Implementation of Human Rights Treaties was set up in the MOFA in April 2010, and the Division has held twenty seminars on the procedure with the relevant ministries and agencies. The Government will continue to seriously consider whether or not to accept the procedure, while taking opinions from various quarters into account.

**(ii) Reservation and Declaration**

98. Japan has made reservations and interpretive declarations to the following treaties and conventions.

**(a) International Covenant on Economic, Social, and Cultural Rights**

**Paragraph (d) of Article 7**

*Status and Scope*

99. In applying the provisions of paragraph (d) of Article 7 of the International Covenant on Economic, Social, and Cultural Rights, Japan reserves the right not to be bound by "remuneration for public holidays" referred to in the said provisions.

*Reason*

100. In Japan, there is no social consensus that workers are to be paid remuneration on public holidays on which they do not work and accordingly few enterprises adopt a salary system to such effect. Therefore, the Government deems it appropriate that the issue of whether or not the remuneration for public holidays is paid should be deliberated between labor and management.

**Subparagraph (d) of Paragraph 1 of Article 8**

*Status and Scope*

101. Japan reserves the right not to be bound by the provision of subparagraph (d) of paragraph 1 of Article 8 of the International Covenant on Economic, Social, and Cultural Rights, except in relation to the sectors in which the right referred to in the said provision is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.

*Reason*

102. Article 8 of the Covenant provides for basic labour rights, and the provision of subparagraph (d) of paragraph 1 prescribes the right to strike. On the other hand, paragraph 2 of Article 8 provides this article shall not prevent the imposition of lawful restrictions on the exercise of these rights. The scope of "members of the administration of the State", which this restriction might be imposed on, is not necessarily consistent with the relevant provisions of Japanese laws and regulations. Japan thus reserves the right not to be bound by the provision of subparagraph (d) of paragraph 1 of Article 8, except in relation to the sectors in which the right referred to in the said provision is accorded in accordance with

the laws and regulations of Japan at the time of ratification of said Covenant by the Government of Japan.

### **Paragraph 2 of Article 8**

#### *Status and Scope*

103. Recalling the position taken by the Government of Japan, when ratifying the Convention concerning Freedom of Association and Protection of the Right to Organize, that “the police” referred to in Article 9 of the said Convention be interpreted to include the fire service of Japan, the Government of Japan declares that “members of the police” referred to in paragraph 2 of Article 8 of the International Covenant on Economic Social and Cultural Rights as well as in paragraph 2 of Article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan.

#### *Reason*

104. For a variety of reasons, the Government of Japan has interpreted the fire service of Japan to be included in the “members of the police” as defined in Article 9 of ILO Convention No. 87. These reasons include the fact that the Fire Service of Japan has been considered a part of the Police since its founding, since although being organizationally separated from the police in 1948, the nature and contents of its duties and authority have not changed in principle from the time when it was a part of the Police; the Fire Service has been given similar objectives and duties to protect the lives, bodies, and property of citizens as well as the same authority of obligation in performing such objectives and duties as its Police counterparts to maintain peace and order under the current laws; and the Fire Service is required to perform well-disciplined, prompt, and courageous troop actions like the Police, as it is expected to be deployed together with the Police and Self-Defense Forces when Japan, one of the disaster prone countries, has a disaster.

## **(b) International Covenant on Civil and Political Rights**

### **Paragraph 2 of Article 22**

105. See the above-mentioned paras.103 and 104.

## **(c) International Convention on the Elimination of All Forms of Racial Discrimination**

### **Paragraphs (a) and (b) of Article 4**

#### *Status and Scope*

106. In applying the provisions of paragraphs (a) and (b) of Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Japan fulfills the obligations under those provisions to the extent that fulfillment of the obligations is compatible with the guarantee of the rights to freedom of assembly, association, and expression and other rights under the Constitution of Japan, noting the phrase “with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention” referred to in Article 4.

#### *Reason*

107. The concept laid out in Article 4 covers an extremely wide range of acts carried out in various situations and in various manners. Restricting all these acts with punitive laws that go beyond the existing legal system in Japan may conflict with what the Constitution guarantees, including the freedom of expression that strictly demands the necessity and rationale for its restrictions, and with the principle of legality of crime and punishment that requires concreteness and clarity in determining the punishable acts and penalties. It is on the basis of this judgment that the Japanese Government made its reservations about Article 4 (a) and (b) of the Convention.

**(d) Convention on the Rights of the Child****Paragraph 1 of Article 9***Status and Scope*

108. The Government of Japan declares that paragraph 1 of Article 9 of the Convention on the Rights of the Child be interpreted as not applicable to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.

*Reason*

109. With respect to paragraph 1 of Article 9 of the said Convention, in specific cases in which a child is abused by his or her father or mother or in which the parents live separately from each other, it is understood that this provision stipulates that the States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. It is interpreted that paragraph 1 of Article 9 of the said Convention will not prevent the child-parent separation resulting from any action allowed to be initiated by a State Party in accordance with paragraph 4 of Article 9 of the said Convention, such as deportation, detention, or imprisonment of the child or one or both parents.

**Paragraph 1 of Article 10***Status and Scope*

110. The Government of Japan declares further that the obligation to deal with applications to enter or leave a State Party for the purpose of family re-unification “in a positive, humane and expeditious manner” provided for in paragraph 1 of Article 10 of the Convention on the Rights of the Child be interpreted as not affecting the outcome of such applications.

*Reason*

111. It is understood that the term “positive manner” in this provision means to prevent negative treatment such as rejecting the application to enter or leave a State Party in principle, that the term “humane” means to give humane consideration as required in the course of the procedures for the application to enter or leave a State Party if necessary, and that the term “expeditious manner” means to handle the relevant procedures properly so that they will not be unnecessarily delayed. Therefore, it is construed that the phrase “in a positive, humane and expeditious manner” will not prejudice and bind the outcome of such applications.

**Paragraph (c) of Article 37***Status and Scope*

112. In applying paragraph (c) of Article 37 of the Convention on the Rights of the Child, Japan reserves the right not to be bound by the provision in its second sentence; that is, “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so,” considering that under Japan’s national law, as regards persons deprived of liberty, in Japan those who are below twenty years of age are to be generally separated from those who are of twenty years of age and over.

*Reason*

113. The Juvenile Act of Japan defines a “juvenile” as a person under the age of twenty (Article 2 of said Act) and, with regard to persons deprived of liberty, those who are under twenty years of age (so-called “juveniles”) to be separated from those who are of twenty years of age and over (so-called “adults”) (Articles 49 and 56 of said Act).

114. While the Convention treats a person under 18 years of age as a “child” and provides thorough protection for him/her, the Japanese system expands such protection more broadly to include persons below 20 years of age, which meets the intent and objective of paragraph (c) of Article 37 of said Convention purporting to protect youth such as “children” from harmful influences, by separating them from adults. With regard to the actual treatment of these juveniles in Japanese correctional institutions, those who do not vary significantly in terms of aptitude and ability and thus require common treatment are formed into respective groups, and appropriate consideration is given to individual juveniles so that they are not negatively affected by other inmates who have advanced criminal tendencies. This is deemed to comply with the intention of the Convention.

**(e) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

**Paragraph 5 of Article 3**

*Status and Scope*

115. The Government of Japan amended the declaration made based on paragraph 2 of Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to the effect that “the Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces” (the amended declaration came into effect on April 1, 2010).

*Reason*

116. In concluding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of Japan submitted a declaration of the following contents in accordance with paragraph 2 of Article 3 of the Protocol: 1) it recruits as members of the Japan Self-Defense Forces only those who are 18 years old or over, with the exception of students solely receiving education and training at the schools which belong to the Japan Self-Defense Forces (“Youth Cadets”); 2) the minimum age for recruitment of Youth Cadets is 15 years old; and 3) safeguards are adopted to ensure that the recruitment of Youth Cadets is neither forced nor coerced.

117. In Japan, the Act for Partial Revision of the Ministry of Defense Establishment Act, etc. was promulgated on June 3, 2009 (enforced on April 1, 2010) and thereafter, all members who are to be recruited as Japan Self-Defense Forces uniformed personnel must be 18 years old or over without exception. Upon the enforcement of the Revised Act, the Government of Japan amended the declaration to the effect that the Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces. This amendment was notified to the Secretary-General of the United Nations, in accordance with paragraph 4 of Article 3 of the Protocol, in the form of a document describing a new declaration. This declaration was made adding the amendment to the existing declaration and actually has the same meaning of withdrawing the interpretive declaration made by Japan when concluding the Protocol.

**(f) Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

**Article 21**

*Status and Scope*

118. The Government of Japan declares under Article 21 of the Convention that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.



*Reason*

119. Article 21 of the said Convention stipulates a mechanism designed to amicably settle disputes between the States Parties relating to the fulfillment of the obligations under the Convention and serves as effective guarantee for implementation of the Convention by allowing disputes to be settled by the mediation of the Committee.

120. The Government of Japan considers that this system should be accepted from the standpoint of actively contributing to international cooperation relating to the prohibition of torture, among others.

## **B. Legal and institutional framework for the protection and promotion of Human Rights at the national level**

### **(i) Protection of Human Rights under the Constitution of Japan**

#### **General**

121. The Constitution of Japan, the supreme law in Japan's legal system, is based on the principle of people's sovereignty. Together with pacifism, respect for fundamental human rights is one of the Constitution's important pillars. The fundamental human rights guaranteed by the Constitution are "conferred upon this and future generations in trust, to be held for all time inviolate" (Article 97), and the philosophy of respect for fundamental human rights is clearly shown in Article 13, which provides that "all of the people shall be respected as individuals." Foreign residents in Japan are also guaranteed fundamental human rights under the Constitution of Japan except rights which, owing to their nature, are interpreted to be applicable only to Japanese nationals.

#### **Equality under the Law**

122. Equality under the law is guaranteed as "[a]ll of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin" (paragraph 1 of Article 14 of the Constitution of Japan). In addition to this, the Constitution of Japan also stipulates the prohibition of aristocracy systems (paragraph 2 of Article 14), universal adult suffrage (paragraph 3 of Article 15), individual dignity pertaining to the family and the essential equality of the sexes (Article 24), the equality of qualifications of members of both Houses and their electors (Article 44), and equal opportunity for education (paragraph 1 of Article 26).

#### **Individual Human Rights**

123. With respect to civil and political rights, the Constitution of Japan stipulates the freedom of thought and conscience (Article 19), the freedom of religion (Article 20), and academic freedom (Article 23). It also guarantees, in paragraph 1 of Article 21, the freedom of assembly and association as well as speech, press, and all other forms of expression. As regards physical freedom, it sets forth the freedom from bondage of any kind (Article 18). Also, in accordance with the Constitution of Japan, no criminal penalty shall be imposed, except according to procedures established by law (Article 31), and no person shall be apprehended except upon warrant, issued by a competent judicial officer, with which the person is charged, unless he is apprehended during the offense being committed (Article 33, etc.). The right of all persons to be secure in their homes, papers, and effects against entries, searches, and seizures shall not be impaired except upon warrant issued for adequate cause issued by a competent judicial officer, or except as provided by Article 33 (Article 35, etc.). No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause (Article 34). The infliction of torture by any public officer and cruel punishments are absolutely forbidden (Article 36); and in all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal, shall be permitted opportunity to examine witnesses, shall have the right of compulsory process for obtaining witnesses at public expense, and shall have the assistance of competent counsel who shall,

if the accused is unable to secure the same by his own efforts, be assigned to his use by the State (Article 37). Furthermore, no person shall be compelled to testify against himself; any confession made under compulsion, torture, or threat, or after prolonged arrest or detention shall not be admitted in evidence, and no person shall be convicted or punished in cases where the only proof against him is his own confession (Article 38). No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy (Article 39).

124. The Constitution of Japan also guarantees the freedom to choose and change residence and to choose occupation (paragraph 1 of Article 22), the right to own or to hold property (paragraphs 1 and 2 of Article 29), and the freedom of all persons to move to a foreign country and to divest themselves of their nationality (paragraph 2 of Article 22).

125. In Japan, all people shall have the right to maintain minimum standards of wholesome and cultured living (paragraph 1 of Article 25 of the Constitution of Japan) and in all spheres of life, the State shall endeavor for the promotion and extension of social welfare and security, and of public health (paragraph 2 of Article 25). In addition to this, the Constitution guarantees “the right to receive an equal education correspondent to one’s ability” (paragraph 1 of Article 26) and free compulsory education for all boys and girls (paragraph 2 of Article 26). It also sets forth the right to work, the standards for wages, hours, rest, and other working conditions, the prohibition of exploitation of children (Article 27), and the right of workers to organize and to bargain and act collectively (Article 28).

126. Furthermore, every person may sue for redress from the State or a public entity, in the case he has suffered damage through an illegal act of any public official (Article 17) and any person, in the case he is acquitted after he has been arrested or detained, may sue the State for redress (Article 40). The Constitution also protects the right to demand compensation for property damage incurred by a citizen as a result of any operation or activity of the State or local public entity, such as expropriation of land for the purpose of improvement of social infrastructure (paragraph 3 of Article 29).

127. The Constitution of Japan stipulates that the people have the inalienable right to choose their public officials and to dismiss them and guarantees universal adult suffrage and secrecy of the ballot (Article 15). The right to vote is equally given to all Japanese men and women who have reached the age of 18, and all Japanese men and women above the qualifying age are eligible to run in elections. The qualifying age for members of the House of Representatives is 25 years or older, while the qualifying age for members of the House of Councillors is 30 years or older. Members of deliberation organs of local public entities; i.e., local assemblies, and the heads of local public entities (governors, mayors, and town/village mayors) are elected by citizens. In addition, the Constitution of Japan has provisions relating to the national review of Supreme Court Judges (paragraphs 2, 3, and 4 of Article 79), local referendums for special acts (Article 95), and national referendums for revision of the Constitution (Article 96) while stipulating the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal, or amendment of laws, ordinances, or regulations, and other matters (Article 16). Meanwhile, under the Local Autonomy Act, residents have the right to make a direct request to the local government with respect to dissolution of assemblies of local public entities, and dismissal of assembly members or the heads thereof.

128. These provisions stipulated in the Constitution bind the three sources of power: the legislative, executive, and judicial. The three powers of legislation, execution, and judicature belong to the Diet, the Cabinet and the Court, respectively. The protection of human rights is ensured through rigorous mutual restraint.

129. Furthermore, the human rights referred to in various human rights treaties and conventions concluded by Japan are guaranteed by various laws and regulations of Japan.

### **Limitations**

130. The Constitution of Japan stipulates as follows: “The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and

future generations as eternal and inviolate rights.” (Article 11) “The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.” (Article 12) “All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.” (Article 13)

131. This does not mean that the guarantee of human rights is absolute for which no restriction is allowed, but that it is subject to certain limitations, mainly because of an inherent restriction which coordinates the conflicts among fundamental human rights. For example, punishing a person who has made a speech defaming others is considered a limitation on the freedom of speech of said person. However, this limitation is unavoidable to protect the right of the others to maintain their reputation and is explainable through the concept of “public welfare.”

132. Therefore, it is considered that, as for the human rights having no possibility to conflict with those of the others, there is no room for limitations based on public welfare. To give an example, it is interpreted that the freedom of thought and conscience (Article 19) is absolute and no restriction is allowed so long as it is a matter of inner feelings.

133. In addition, in judging whether or not a law regulating human rights is justifiable in light of the public welfare, the court has, in the case of a law regulating economic freedom such as free business, tended to approve the relatively broad discretion of the legislative body while, in the case of the interpretation of a law restricting spiritual freedom, has adopted severe standards.

134. In this way, the Constitution of Japan has no explicit provision indicating what “public welfare” is; however, the concept of “public welfare” is embodied in more concrete terms by court precedents for respective rights based on their inherent nature, and the human rights guaranteed by the Constitution and the restrictions on human rights imposed under the Constitution closely resemble those under human rights treaties. Under no circumstance, therefore, could the concept of public welfare allow the state power to arbitrarily restrict human rights, or allow any restrictions imposed on the rights guaranteed by human rights treaties to exceed the level of restrictions permissible under human rights treaties.

**(ii) Human Rights Conventions as part of domestic laws and regulations**

135. Paragraph 2 of Article 98 of the Constitution of Japan stipulates that the treaties concluded by Japan and the established laws of nations shall be faithfully observed. Therefore, from the purport of this provision, any and all treaties that the Government of Japan has concluded and promulgated, including human rights conventions, have effect as domestic laws.

136. Whether or not any provision of a convention can be directly applicable will be determined on a case-by-case basis, considering the objective, content, language, and other matters of the provision. Most cases of violation of a convention, however, are addressed as violations of domestic laws, since domestic laws are in most cases enacted in order to carry out the obligations of a convention.

**(iii) Organs handling Human Rights issues and remedy system**

**(a) Judicial Body**

**Role of Courts**

137. It is stipulated that, in general, courts shall decide all legal disputes, including human rights issues and shall have the power to determine the constitutionality of any law, order, regulation, or official act in connection with a trial of a specific case (Article 81 of the Constitution of Japan).

138. Moreover, no person shall be deprived of the right of access to the courts. Every person has the right to institute a suit to a court for a judicial decision in a civil and administrative case, and no criminal penalty shall be imposed without judicial decision (Articles 32, etc.). In particular, in all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal (Paragraph 1 of Article 37).

139. The courts play their role to secure basic human rights by exercising their above-mentioned authority under the guarantee of access to the court.

**(b) Remedy system**

**Administrative Litigation/Civil Action**

140. If an administrative agency is alleged to have violated human rights, administrative litigation including those seeking revocation of administrative disposition or civil litigation claiming state responsibility to seek compensation for damages arising from the violation of human rights may be instituted. If the alleged violating entity is a private individual, civil litigation may be brought against the individual to seek injunctive relief to cease such violation of right and/or to seek compensation for damage caused by such violation of rights.

**Criminal Procedure**

141. When a violation of human rights constitutes a criminal act, the investigative authority takes the suspect (accused) into custody or prosecutes the accused based on the evidence. If the case is proven to be a crime by the prosecutor and the accused is found guilty by the court, an appropriate criminal punishment is imposed.

142. The Code of Criminal Procedure of Japan allows a person who has been injured by an offense to file a complaint (Articles 230 and 231 of said Code) and any person may file an accusation (Article 239 of said Code).

**Access to Justice**

143. For victims of infringement on human rights, the Japan Legal Support Center (Houterasu), established in 2006 based on the Comprehensive Legal Support Act, provides free information on legal systems of compensation and consultation centers. Also, Houterasu introduces crime victims gratuitously to attorneys with experience and understanding of victim support.

144. For victims of infringement on human rights who lack the financial means to pay the necessary expenses incurred in consulting attorneys and exercising their rights in civil court proceedings, Houterasu provides various forms of assistance such as free legal consultations and lending money to pay for attorneys' remuneration in order that they can claim compensation for loss or damage against offenders.

**Administrative Body**

*Ministry of Justice (MOJ)*

145. MOJ (Human Rights Bureaus, Legal Affairs Bureaus, District Legal Affairs Bureaus, and Human Rights Volunteers) is among the administrative bodies having the authority to address human rights issues. Human Rights Volunteers are private citizens appointed by the Minister of Justice, and about 14,000 volunteers have been posted across all cities, towns, and villages around the country. MOJ conducts various activities to protect human rights on fair and impartial grounds.

146. In concrete terms, MOJ has permanent counseling centers in the Legal Affairs Bureaus, the District Legal Affairs Bureaus, and their branch offices (311 locations across the nation) and open ad-hoc counseling centers at municipality halls, department stores, and public halls to provide the public with human rights counseling services. The counseling is free of charge and kept absolutely confidential.

147. When a case of human rights violation is suspected during counseling, MOJ promptly investigates it as a human rights violation case, ascertains whether human rights violation occurred or not, and, based on the results thereof, takes appropriate measures specific to each case to respond to victims of human rights violation.

148. In addition, MOJ has been carrying out various human rights promotion activities to improve each citizen's awareness and understanding of human rights by holding symposiums, movie screenings, public relations campaigns through mass media such as TV and newspapers, and preparation and distribution of pamphlets and posters during "Human Rights Week" and other opportunities, in cooperation with various related organizations.

149. The budget of the Human Rights Bureau of MOJ for FY2019 is approximately 3.5 billion yen.

### **Organs Handling Specific Issues**

#### **(a) Women and Gender-related Issues**

150. As an organ to address specific issues relating to the improvement of the status of women, the Gender Equality Bureau was established in the Cabinet Office in accordance with Article 1 of the Order for Organization of the Cabinet Office in order to promote the formation of a gender-equal society, to prepare and facilitate the basic plan for gender equality, and to take charge of affairs relating to gender equality, including response to complaints. In FY2018, the Gender Equality Bureau has 44 staff members and a budget of 814 million yen. Also, in order to monitor the implementation status of gender-equality measures, the Council for Gender Equality which is composed of Cabinet Ministers and intellectuals was established.

151. As an organ relating to the improvement of status of women in employment, the Employment Environment and Equal Employment Departments of Prefectural Labor Bureaus are positioned in each Prefecture to consult with both employers and employees and to provide administrative guidance based on the relevant laws with respect to securing equal opportunity and treatment of men and women in employment (47 locations across the country as of April 1, 2019).

152. Meanwhile, as a policy and framework to address gender issues, the Fourth Basic Plan for Gender Equality was prepared (and approved by the Cabinet on December 25, 2015) based on the Basic Act for Gender Equal Society under which the Government as a whole is working toward the realization of a gender-equal society.

#### **(b) Indigenous Peoples**

153. As an organ relating to the issues of indigenous people, the Comprehensive Ainu Policy Office was established in the Cabinet Secretariat. In addition, based on the report from the Advisory Council for Future Ainu Policy, the Council for Ainu Policy Promotion was established to comprehensively and effectively promote Ainu policy, taking views and opinions of the Ainu people into consideration.

#### **(c) Children**

154. Child Guidance Centers have been set up by prefectures, designated cities, and the cities of Yokosuka and Kanazawa for the purpose of providing advice to families with regard to children, correctly understanding children's issues and needs as well as the situation children are in, offering appropriate support to children and their families, promoting the welfare of children, and protecting the rights of children. (212 locations across the nation as of October 1, 2018).

155. The Child Guidance Centers are in charge of the following affairs:

- (a) Consultation, survey, examination, judgment, and assessment of support
- (b) Guidance for children in need of protective care at home, arrangement of entry to child welfare institutions, foster-parent coordination, etc.
- (c) Temporary custody, etc.

156. As of April 1, 2018, 3,426 child welfare officers (including those officers-designate) and 12,116 staff members in total are working at Child Guidance Centers.

157. In addition, in order to deal with measures against child sexual exploitation in an integrated and efficient manner, the Government of Japan has been working to realize a society where children are protected from sexual exploitation, based on the “Basic Plan on Measures against Child Sexual Exploitation.” The Basic Plan was approved in April 2017 by the “Ministerial Meeting Concerning Measures Against Crime,” which is chaired by the Prime Minister.

**(d) Persons with Disabilities**

158. As an organ for people with mental disabilities, a Psychiatric Review Board has been established in each prefecture and designated city to review the necessity of hospitalization or appropriateness of treatment with regard to those who are in mental hospitals, including those who have been hospitalized without their consent.

159. Based on the Basic Act for Persons with Disabilities, a Commission on Policy for Persons with Disabilities, which is a council composed of a maximum of thirty members selected from persons with disabilities, persons engaged in business related to the self-support and social participation of persons with disabilities, and persons with relevant knowledge and experience, is established in the Cabinet Office as an overall framework to promote and protect the rights of people with disabilities (Articles 32 and 33 of said Act). In choosing Policy Commission members, various opinions of persons with disabilities themselves must be considered, and the Commission must be formed in a way that consultation with those who know the situation of the person with disabilities can be made (paragraph 2 of Article 33). As of January 2019, half of the members are persons with disabilities or their family members. The responsibilities of the Policy Commission include, in addition to stating opinions on formulation of and changes to the “Basic Programme for Persons with Disabilities,” studying and deliberating matters relating to the Basic Programme for Persons with Disabilities, monitoring the status of implementation of the Programme, and, where deemed necessary, making recommendations to the Prime Minister (paragraphs 4 and 9 of Article 11 and paragraph 2 of Article 32). This Policy Commission serves as the framework for monitoring mentioned in Article 33 of the Convention on the Rights of Persons with Disabilities. Monitoring of the implementation of the Convention is carried out by the Policy Commission as it monitors whether the Basic Programme for Persons with Disabilities, which sets the fundamental policy on measures for people with disabilities, is implemented in accordance with the spirit of the Convention. The Policy Commission had been monitoring the implementation status of the Third Basic Programme for Persons with Disabilities from May 2015, with a view to submitting Japan’s initial report under Article 35 of the Convention, and compiled the results as a document in September 2015.

160. In addition, a prefectural government establishes (and a municipal government may establish), pursuant to the Basic Act for Persons with Disabilities, a body with a council system, which studies and deliberates matters to promote comprehensive and systematic measures for persons with disabilities in the prefecture and the municipality as well as monitors the status of the implementation of the measures, and consideration must be given to the composition of the members of the body so that the body is able to conduct studies and deliberations by listening to the opinions of various persons with disabilities and taking into account the actual situation of persons with disabilities (Article 36 of said Act).

**(e) Older Persons**

161. Based on the Act on Prevention of Elder Abuse, Support for Caregivers of Elderly Persons and Other Related Matters, municipalities conduct on-site inspections, etc. when receiving a notice or report of abuse from those who have found potential abuse or an abused elderly person, and if abuse is confirmed, take an appropriate action such as temporary custody, or if the abuse is occurring in care facilities, exercise the authority to issue an improvement order. Also, supportive measures for caregivers are promoted.

### **Other Organs relating to Human Rights Protection**

162. In 2004, the Government of Japan established an Inter-Ministerial Liaison Committee to promptly and steadily promote close cooperation among the relevant government agencies and with the international society in preventing and eradicating trafficking in persons and protecting such victims. In 2014, the Government approved “Japan’s 2014 Action Plan to Combat Trafficking in Persons” and decided to hold the “Council for the Promotion of Measures to Combat Trafficking in Persons,” composed of relevant ministers.

163. Based on the Plan, relevant ministries and agencies, led by this “Council for the Promotion of Measures to Combat Trafficking in Persons,” work together to implement various measures, such as regulation and protection of, as well as support to, victims. The Government will continue to make concerted efforts to eradicate trafficking in persons.

## **C. Framework within which Human Rights are promoted at the national level**

### **(i) Role and activities of the National Diet and Local Assemblies concerning the promotion of Human Rights Protection**

164. According to the Constitution of Japan, the Diet is the highest organ of state power and is the sole law-making organ of the State, composed of the House of Representatives and the House of Councillors. Each of the Houses has Legal Counsel as a standing committee in accordance with Article 41 of the National Diet Act. The Diet protects and promotes human rights through the exercise of legislative rights.

165. Based on the provision of Article 8 of the Act for Promotion of Human Rights Education and Awareness-Raising, every year the Diet receives from the Government reports relating to measures for human rights education and awareness-raising implemented by the Cabinet Offices, Ministries and agencies in the previous year. Reports submitted to the Diet are publicized as white papers to be made known widely to citizens.

166. On the other hand, Local Assemblies also make various efforts for the promotion of human rights such as a declaration of a Human Rights Protection City or a resolution for elimination of discrimination against Buraku people based on the Universal Declaration of Human Rights.

### **(ii) Dissemination of Human Rights Treaties and Conventions**

167. Since the human rights treaties and conventions concluded by Japan are translated into Japanese and included in most law books sold in bookstores, the citizens of Japan are able to know the contents thereof easily.

168. The Government of Japan has prepared and distributed to the public pamphlets describing the human rights treaties concluded by Japan. Also, the Ministry of Foreign Affairs makes active efforts to publicize the various human rights treaties by posting information on the human rights conventions concluded by Japan, related Government Reports, and the background of establishment of the treaties, etc. on its website at (<http://www.mofa.go.jp/mofaj/gaiko/jinken.html>) in Japanese and (<http://www.mofa.go.jp/policy/human/index.html>) in English.

### **(iii) Human Rights education and awareness-raising**

#### **(a) General Public Officials**

169. With regard to national public employees in regular service, the National Personnel Authority (NPA) has established a curriculum on human rights in its training program.

170. As for local public officers, human rights education is enhanced in all forms of training implemented by the Ministry of Internal Affairs and Communications (MIC) at the Local Autonomy College and the Fire and Disaster Management College, and local governments also provide human rights education.

171. In accordance with the third phase of the World Programme for Human Rights Education, the Ministry of Justice holds human rights training seminars for national public officers of central ministries and agencies twice a year, with the aim of enhancing their understanding and appreciation of human rights issues. In addition, the Ministry of Justice holds human rights leadership training seminars for officials engaged in duties for human rights awareness-raising activities in prefectures and municipalities three times a year, with the aim of providing knowledge necessary for them to act as leaders.

**(b) Police Personnel**

172. The police carry out duties such as criminal investigations, which are deeply related with human rights. In this context, the Rules Concerning Work Ethics and Service of Police Personnel (National Public Safety Commission Rule No. 1 of 2000) stipulate the “fundamentals of work ethics” primarily focusing on respect for human rights and place high priority on education concerning work ethics in police education. In this way, human rights education for police personnel is actively implemented.

173. Newly-hired police personnel and those due to be promoted are provided education at police schools on human rights issues, including international human rights instruments.

174. Police personnel who are engaged in crime investigations, detainment management, and victim support are thoroughly provided education to acquire the knowledge and skills necessary for ensuring appropriate execution of duties that takes into consideration the human rights of suspects, detainees, crime victims, and others. Such education is offered by taking advantage of various training programs such as professional education at police schools and training provided at police headquarters and police stations.

**(c) Immigration Officials**

175. For immigration officials, lectures on human rights treaties are provided in various forms of personnel training to further raise their human rights awareness.

**(d) Public Prosecutors**

176. The Ministry of Justice provides lectures on international human rights instruments and on the protection and support for crime victims, gender consideration, and other issues in training sessions that public prosecutors are obligated to take at the time of appointment and at subsequent times specified according to years of work experience.

**(e) Judges**

177. The Government of Japan recognizes that those who become judges, prosecutors, or lawyers must undertake legal training at the Legal Training and Research Institute before obtaining judicial qualification, and that the training includes curricula relating to human rights treaties. The Government of Japan also recognizes that judges are also given related lectures and programs on the treaties after their appointments.

**(f) Lawyers**

178. The Government of Japan recognizes that the Japan Federation of Bar Associations (JFBA) and 52 local bar associations and 8 Federations of Bar Associations in each region are conducting human rights training for lawyers. The following are examples of recent lecture topics held by the JFBA:

- Global trends calling for the eradication of corporal punishment against children
- Activities of the United Nations Human Rights Treaty Bodies
- General Comment No. 35 (Liberty and security of person) of the International Covenant on Civil and Political Rights by the Human Rights Committee
- Consideration of the periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women
- Human rights of sexual minorities



- Latest international trends in business and human rights

**(g) Prison Officers**

179. With a view to enhancing respect for the human rights of inmates, the staff members of correctional institutions, including prison officers, are given proper education in various programs at the Training Institute for Correctional Personnel and the branch offices thereof, including lectures on the human rights of the inmates in light of the Constitution of Japan and various human rights treaties and programs adopting a behavioral science approach. At each correctional institution, prison officers receive practice-based training using role-playing materials assuming various scenarios with the inmates in order to improve their awareness of human rights.

**(h) Self-Defense Force Uniformed Personnel**

180. The Ministry of Defense provides those who will be or are Self-Defense Force uniformed personnel with proper education relating to the Geneva Conventions and other international humanitarian law to protect the human rights of captives in emergency situations at the National Defense Academy, the National Defense Medical College, the National Institute for Defense Studies, the Joint Staff College, and the Schools for (Self-Defense Force) uniformed personnel for Ground, Maritime, and Air Self-Defense Forces.

**(i) Teachers**

181. The National Institute for School Teachers and Staff Development (NITS) provides a training program to develop human rights education instructors. This program is designed for those who are to play an instructive role in human rights education. Under this program, by attending study discussions or practices relating to international or domestic trends on human rights education and effective teaching methodology, they obtain necessary knowledge and skills to teach students to respect human rights. Then, they are expected to serve as instructors for training on human rights held in each region and to provide necessary guidance and advice to all schools relating to human rights education.

182. In schools, lectures on human rights for teachers and school staff members are incorporated into the in-school education program, while similar lectures are offered by the prefectural or local education committees to those who are in charge of human rights education. A human rights educational program is also provided in the training for newly recruited teachers or in other training such as performance-enhancing training for mid-career teachers, depending on their level of experience.

**(j) General Public**

183. The Ministry of Justice holds human rights lectures and conducts various awareness-raising activities including distribution of pamphlets for citizens to promote their awareness of human rights.

184. With regard to social education, the Government recognizes that classes and seminars about human rights education are held, in response to the actual situation of the community, at social education facilities which serve as learning sites in the community, such as community learning centers and libraries. In addition, the Government supports human rights education in communities by incorporating a human rights education program into training courses for social education supervisors, who play a key role as instructors of social education, thus developing and improving the quality of instructors.

**(iv) Measures for improvement of awareness of Human Rights**

**(a) Educational Program**

185. Being entrusted under the “Human Rights Education and Research Promotion Program,” prefectural and local education committees conduct 1) practical study on a comprehensive approach of human rights education through proper cooperation among school, family, and community, and 2) practical research on improvement and awareness raising through teaching methods of human rights education in schools.

**(b) Human Rights Awareness-raising through Media**

186. The Ministry of Justice has been carrying out various activities to improve each citizen's awareness and understanding of human rights through various media. Examples of such activities are promotional advertising on electronic billboards; promotional advertising in trains and subways; Internet banner advertisements on portal or SNS sites; posting of videos to YouTube; posting information on the website of the Ministry of Justice; TV, radio, and cable broadcasts; and publicity in newspapers and weekly magazines on relevant topics, etc.

**(v) Participation of Civil Society Organizations including NGOs, etc.**

187. The Government of Japan truly understands the importance of the various activities of civil society in the promotion of human rights treaties. In this regard, it holds dialogues with civil society and NGOs to exchange views in the course of preparing Government Reports on the human rights conventions. The Government of Japan will continue to respect and have dialogues with civil society.

188. The Ministry of Justice is making efforts to realize effective human rights protection and promotion in cooperation with various agencies and associations, including NGOs and civil society organizations, in conducting activities in the field of human rights promotion, human rights counseling, and investigation and resolution of human rights violation cases.

**(vi) International Cooperation**

189. While it is important that human rights and fundamental freedoms, as universal values, are guaranteed not only in Japan but in all countries and regions around the world, each country has its unique history, traditions, etc. Therefore, the Government of Japan has considered the unique situations specific to each case and has provided proper international support for improvement of human rights through dialogue and cooperation.

190. In 2016, under its ODA program, Japan contributed USD 294.44 million for medicine and health, USD 6284.29 million for gender equality, USD 48.40 million for peace building, and USD 845.90 million for education.

191. Japan also supports the human rights activities of international human rights organizations (OHCHR: Office of the United Nations High Commissioner for Human Rights, UNICEF, UN Women, etc.). In FY2016, Japan made a contribution of USD 194,012 million to UNICEF, and it is the seventh largest sponsor in the world and the top donor to OHCHR's activities in Asia. Japan continues to support these activities, including through voluntary contributions.

192. In an effort to achieve the Sustainable Development Goals (SDGs), the Government of Japan has expressed and has been steadily implementing its commitments in each field. At the Universal Health Coverage (UHC) Forum 2017 in December 2017, Japan committed USD 2.9 billion in health to promote the efforts to achieve UHC by each country and each organization.

**(vii) Preparation process of Government Reports**

193. Government Reports are mainly coordinated and prepared by the Ministry of Foreign Affairs in cooperation with relevant Ministries and Agencies. The report related to the Convention on the Elimination of All Forms of Discrimination against Women is coordinated and compiled by the Cabinet Office.

194. For example, the initial report submitted by Japan under Article 35 of the Convention on the Rights of Persons with Disabilities was written based on the preparations made by the Commission on Policy for Persons with Disabilities and public comments. In addition, the Combined Seventh and Eighth Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women was written after the Council for Gender Equality Specialist Committee on Monitoring monitored the state of progress through interviewing experts as well as relevant ministries and compiled the opinions for the Government. The Council for Gender Equality

Specialist Committees also interviewed relevant ministries and monitored the state of progress based on the CEDAW concluding observations of 2016.

195. So that it can be disseminated and made available to the public, each Government Report is posted on the websites of the Ministry of Foreign Affairs and the Cabinet Office (with respect to the Convention on the Elimination of All Forms of Discrimination against Women), both in Japanese and English, and is distributed to the relevant Diet members and citizens and NGOs who have a concern about the issue.

196. The concluding observations of the human rights treaty bodies on Japan's Government Reports are shared with relevant ministries and agencies and discussions are held concerning each recommendation. When any new measure is implemented, it is incorporated in the next government periodic report. The concluding observations are posted on the website of the Ministry of Foreign Affairs and the Cabinet Office (with respect to the Convention on the Elimination of All Forms of Discrimination against Women), both in Japanese and English.

### **III. Information on Non-discrimination and Equality and effective remedies**

#### **A. Legislation concerning Non-discrimination and Equality**

##### **(i) Constitution of Japan**

197. The principle of equality is defined in paragraph 1 of Article 14 of the Constitution of Japan as “[a]ll of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin,” and guarantees equality under the law without any discrimination. In addition, the Constitution of Japan stipulates the abolishment of aristocracy systems (paragraph 2 of Article 14), universal adult suffrage (paragraph 3 of Article 15), individual dignity pertaining to the family and the essential equality of the sexes (Article 24), the equality of qualifications of members of both Houses and their electors (Article 44), and equal opportunity in education (paragraph 1 of Article 26).

##### **(ii) Law**

198. Equality under the law is guaranteed also under the domestic laws in accordance with the provisions of the Constitution of Japan. In particular, for the purpose of stipulating equality between men and women, the Basic Act for a Gender-Equal Society has been enacted to promote the comprehensive and systematic formation of a gender-equal society while the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment was introduced to prohibit the discrimination of employees on the basis of their sex.

199. Apart from those mentioned above, there are certain laws having provisions under which equality under the law is guaranteed; for example, Article 27 of the National Public Service Act and Article 13 of Local Public Service Act stipulating the principle of equal treatment of all citizens to be applied to public officers; paragraph 3 of Article 244 of the Local Autonomy Act prohibiting improper discriminative treatment of local residents in using public facilities; Article 3 of the Labor Standards Act prohibiting discriminatory treatment with respect to wages, working hours, or other working conditions by reason of the nationality, creed, or social status of any worker; Article 4 of said Act prescribing the principle of equal wages for men and women; paragraph 2 of Article 5 of the Labor Union Act stipulating that no one shall be disqualified from union membership in any case on the basis of race, religion, gender, family origin, or status; and Article 2 of the Public Assistance Act prescribing the right to receive public assistance in a non-discriminatory and equal manner.

200. With regard to education, Article 4 of the Basic Act on Education provides that people must be given equal opportunities to receive an education suited to their abilities, and must not be subjected to discrimination in education on account of race, sex, etc.

201. Regarding medical care, the Medical Practitioners Act, the Dentists Act, the Pharmacists Act, and other medical-related laws stipulate that medical service providers may not reject any request for medical treatment, dispensing of medicine, or any other medical service without justifiable reason.

202. With regard to transportation, laws such as the Civil Aeronautics Act and the Railway Business Act provide that unfair and discriminatory treatment may be prohibited or rectified.

203. The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (Hate Speech Elimination Act) was put into force in June 2016. The Act declares that unfair and discriminatory speech and behavior against persons originating from outside Japan will not to be tolerated. The Act aims to set out the basic principles, to clarify the responsibilities of the national government, as well as to set out and promote the basic measures for efforts to eliminate such discriminatory speech and behavior.

204. The Act on the Promotion of the Elimination of Buraku Discrimination was put into force in December 2016. The purpose of the Act is to promote elimination of Buraku discrimination and to realize a society without Buraku discrimination, by setting out the basic principles for the elimination of Buraku discrimination, clarifying the responsibilities of the national and local governments, and setting out relevant measures including the enhancement of consultation systems.

205. In addition, the Act for Eliminating Discrimination against Persons with Disabilities was enacted in June 2013 and enforced in April 2016. Based on the Act, administrative organs and companies have been implementing appropriate measures, such as prohibition of unfair discriminatory treatment and provision of reasonable accommodation.

## **B. Policy relating to Non-discrimination and Equality**

### **(a) General**

206. The Ministry of Justice has implemented various activities in the field of human rights promotion, human rights counseling, and investigation and resolution of human rights violation cases to deal with various human rights issues including discrimination.

207. Public prosecutors and the police conduct investigations appropriately to realize proper punishment through equal and fair application of the penal codes to cases, based on the law and evidence, regardless of race, belief, sex, social status, or any other status of the suspect or the victim of a crime.

### **(b) Educational Program**

208. The Ministry of Education, Culture, Sports, Science and Technology has been promoting, based on the spirit of the Constitution of Japan and the Basic Act on Education, education that respects all individuals by improving the awareness of respect for human rights through school education.

209. The National Curriculum Standards for elementary schools, lower secondary schools, and upper secondary schools include, as general provisions, “apply[ing] a spirit of respect for human dignity and reverence for life in specific activities” to promote human rights-conscious education.

210. Through classes on “Social Studies” and “Morality” in elementary and lower secondary schools and “Civics” in upper secondary schools, students learn respect for basic human rights, rights and obligations, the purpose and the role of international human rights laws, and the realization of a discrimination-free and prejudice-free society, etc.

**(c) Public Information Campaign**

211. The Ministry of Justice has extended its activities in the field of human rights promotion, human rights counseling, and investigation and resolution of human rights violation cases to all human rights issues, including human rights violations of a person or persons belonging to a specific group.

212. For example, when an alleged violation of human rights, such as refusal of access to public places or facilities based solely on race or nationality, is recognized, the incident is investigated as a human rights violation case and appropriate remedy procedures are initiated. The MOJ publicizes information about counseling services, etc. that can be a gateway to such investigation and remedy.

213. The MOJ, in collaboration with local governments and private sector organizations, also carries out various human rights awareness-raising activities, such as holding lectures and distributing brochures for awareness-raising, across the country throughout the year to eliminate prejudice and discrimination based on race or nationality, etc.

214. It must be noted that online information that violates human rights is disseminated quickly and may cause serious damage. Swift actions are therefore taken, as needed, especially when a human rights violation case involving online defamation or invasion of privacy, etc., is recognized, through such measures as asking Internet service providers to delete the information.

215. To prevent human rights violation resulting from the abuse of the Internet, the MOJ also carries out various awareness-raising activities, including preparation of awareness-raising brochures and activities in collaboration with the private sector, to deepen understanding of human rights violations that take place online.

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