



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the sixth periodic report of Japan*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the information provided by the State party in its report (CCPR/C/JPN/6, paras. 7 and 8), please provide further clarification on the conditions under which the provisions of the Covenant may be directly invoked by the courts. Please cite examples, if any, of cases in which the provisions of the Covenant have been directly invoked before and by the courts, and to what effect.
2. In light of the Committee's previous recommendations (CCPR/C/JPN/CO/5, para. 9), please provide updated information on the State party's progress towards establishing an independent national human rights institution in accordance with the Paris Principles.
3. Please provide updated information on the State party's current position concerning its possible accession to the first Optional Protocol to the Covenant and on the outcome of the internal study, which aimed at exploring whether it poses any problem in relation to State party's judicial system or legislative policy to accept the individual complaints procedure established under the first Protocol to the Covenant.

Non-discrimination and equal rights of men and women (arts. 2 (1), 3, 24 and 26)

4. Please provide information on State party's progress towards enacting national legislation which outlaws direct and indirect discrimination, to give full effect to articles 2(1), 3 and 26 of the Covenant. Please provide information on any recent court decisions concerning alleged cases of discrimination, on the ground of race, colour, ethnicity, sex, language, gender identity, sexual orientation, political, religious or philosophical faiths, economic, social or educational status, or any other ground, the types of penalties imposed and the compensation awarded to the victims.
5. Please describe the measures taken to overcome the difficulties experienced in the adoption of the Act for Partial Revision of the Civil Code and the Family Registration Act, in particular in relation to the provisions for shortening the period of prohibition from remarrying for women and for harmonizing the minimum age of marriage for women and men. Please provide information on concrete steps in this regard envisaged by the Third Basic Plan for Gender Equality.

* Adopted by the Committee at its 109th session (14 October–1 November 2013).

6. Please provide information on:

(a) Measures taken to achieve the numerical targets set out in the Third Basic Plan for Gender Equality (CCPR/C/JPN/6, para. 55) to raise the representation of women in the National Diet and at the highest levels of the Government and in the public service;

(b) Measures taken, including temporary measures, to guarantee the equal representation of women and men and due representation of minority women in political functions and policymaking positions;

(c) The results achieved by the so-called “bidding system” and the “Guidelines on the Improvement Measures of Wage and Employment Management for Eliminating Wage Disparity between Men and Women”, both introduced by the Government to eliminate gender inequality at work, particularly the wage disparity between women and men (CCPR/C/JPN/6, paras. 60-64);

(d) Whether sexual harassment in the workplace is criminalized under law (CCPR/C/JPN/CO/5, para. 13);

(e) Reports of dismissals and other disadvantageous practices against women workers due to their pregnancy and childbirth; and

(f) Statistical data, disaggregated on the basis of ethnicity and gender, on women representation in political functions and policymaking positions (CCPR/C/JPN/6, paras. 54 and 59).

7. Please provide information on the practical steps taken to combat domestic violence, such as awareness-raising campaigns and training for the police, prosecutors, judges and health officers. Please provide further information on measures taken to improve access to complaint mechanisms and rehabilitation for victims of sexual and domestic violence, including for immigrant and minority women, and homosexual couples (CCPR/C/JPN/6 paras. 93–100). In light of the Committee’s previous recommendation (CCPR/C/JPN/CO/5, para. 14), please indicate whether the State party considers treating rape as a criminal offence subject to *ex officio* prosecution. Please provide information, disaggregated by gender, age, nationality and ethnicity of the victim, on (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; and (d) compensation awarded to the victims of sexual and domestic violence.

8. Please provide information on the existing legislation and strategies, including the “Act on Special Provisions for Handling People with Gender Identity Disorders”, to combat discrimination based on sexual orientation and gender identity, and their compatibility with the Covenant. Please provide information, including any available studies that evaluate the impact of the “Third Basic Plan for Gender Equality” to eliminate discrimination based on sexual orientation and gender identity. Please comment on reports that, despite the recent amendments to the Publicly-Operated Housing Act, same-sex couples remain excluded from the public housing system (CCPR/C/JPN/6, paras. 326 and 327).

9. In light of the Committee’s previous concluding observations (CCPR/C/JPN/CO/5, para. 30), please provide information on any transitional arrangements that have been put in place for non-citizens affected by the age requirements stipulated in the National Pension Law.

10. Please provide information on measures taken by the State party to address statements and speeches targeting certain groups of people, in particular Koreans and lesbian, gay, bisexual and transgender people, inciting hatred and discrimination towards them. Please also provide information on efforts taken to address the circulation of racial superiority propaganda, the designation of businesses as for “Japanese Only” and the negative stereotyping of the Burakumin.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, treatment of persons deprived of their liberty, and right to a fair trial (arts. 6, 7, 9, 10 and 14)

11. Please comment on reports that, despite the recent amendments to the Act on Mental Health and Welfare for the Mentally Disabled, the policy for persons with mental disabilities has continued to maintain a large number of persons hospitalized on an involuntary basis and frequently for long periods of time. Please indicate whether there are alternatives to hospitalization of persons with mental disabilities and if effective legal safeguards are in place, including access to judicial review over involuntary placement.

12. Please provide updated information on the State party's position (CCPR/C/JPN/6, paras. 104–106) on the abolition of the death penalty and on the accession to the Second Optional Protocol to the Covenant. Please provide information, for the years since 2009, on (a) death sentences imposed; (b) the number of executions carried out; (c) the grounds for each conviction and sentence; (d) the age of the offenders at the time of committing the crime and their ethnic origin (CCPR/C/JPN/6, para. 103); (e) the number and outcome of appeals in capital cases; and (f) the number of cases in which the power of pardon was given.

13. Please provide information on:

(a) Whether the State party intends to amend its legislation to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6 (2) of the Covenant (CCPR/C/JPN/CO/5, para. 16);

(b) Allegations that death row inmates, including inmates with health conditions and disabilities, are kept in solitary confinement for protracted periods and have limited contact with outside people;

(c) Whether the State party is planning to review its policy of not notifying death row inmates and their family members of the inmates' date of execution;

(d) The findings of the Minister of Justice's study group on the death penalty and the State party's follow-up measures;

(e) The State party's position on adopting an immediate moratorium on executions;

(f) Measures taken to introduce a mandatory system of review in capital cases;

(g) Steps taken to guarantee the strict confidentiality of meetings between death row inmates and their lawyers;

(h) Measures taken to enhance the transparency of the procedure for applying for pardon and to ensure the suspensive effect of requests for retrial and pardon (CCPR/C/JPN/CO/5, para. 17);

(i) Measures taken to ensure that the prohibition of execution of persons in a “state of insanity” is upheld in practice (CCPR/C/JPN/6, para. 113) and the process to decide whether or not the inmate sentenced to death is in a “state of insanity” at the time of execution; and

(j) Measures taken to review its policy of carrying out executions of persons of advanced age (CCPR/C/JPN/6, para. 113).

14. In light of the Committee's previous recommendations (CCPR/C/JPN/CO/5, para. 18), please provide information on steps taken to abolish the “substitute detention system” (*Daiyo Kangoku*). Please comment on reports that the substitute detention system continues to be used in an abusive manner.

15. Please provide information on:

- (a) The outcome of the experimental employment of audio and video recordings of interrogations (CCPR/C/JPN/6, paras. 143-148) and the findings of the Ministry of Justice's advisory boards on the issue (CCPR/C/JPN/6, para. 150);
- (b) Allegations that audio and video recordings presented in court are sometimes edited;
- (c) Steps taken to ensure that detainees are guaranteed access to a lawyer during interrogations;
- (d) The adoption of legislative measures to ensure strict time limits for the duration of interrogations of detainees in police custody;
- (e) The use of restrictions, including solitary confinement, imposed to inmates under "category 4" of security categories;
- (f) Steps taken to ensure that persons deprived of their liberty have the ability to maintain regular contact with their family;
- (g) Measures taken, including legislative measures, to limit the use and duration of pretrial detention (CCPR/C/JPN/CO/5, para. 19);
- (h) Steps taken to address the high conviction rates and that convictions are heavily based on confessions; and
- (i) The existence of an effective and independent mechanism, with authority to promptly, impartially and effectively investigate all reported allegations of and complaints about acts of torture and ill-treatment of persons deprived of their liberty, including during interrogation (CCPR/C/JPN/6, paras. 132-134).

Freedom of religion, opinion and expression (arts. 18 and 19)

16. Please comment on reports of cases of abduction, forced conversion and forced de-conversion, which were not investigated and prosecuted by the State party.

17. In light of the Committee's previous concluding observations (CCPR/C/JPN/CO/5, para. 10), please indicate if the State party intends to adopt legislation defining the concept of "public welfare" and specifying that any restrictions placed on freedom of religion, opinion and expression on grounds of "public welfare" may not exceed those permissible under the Covenant. Please comment on reports that teachers and school personnel have been subjected to sanctions, including salary cuts, suspension and dismissal, for refusing to stand and sing the national anthem at school ceremonies.

Expulsion and detention of aliens (arts. 7, 9 and 13)

18. Please provide updated information on:

- (a) Measures taken to ensure that article 53 of the amended Immigration Control and Refugee Recognition Act (CCPR/C/JPN/6, paras. 114 and 115) is effectively implemented to ensure full respect of the principles of non-refoulement mandated by article 7 of the Covenant;
- (b) Measures taken to ensure an independent appeal mechanism and to guarantee that rejected applicants are not deported before they can submit an appeal against the negative asylum decision (CCPR/C/JPN/CO/5, para. 25);

(c) Measures taken to ensure foreigners are not ill-treated during deportation operations and have access to an effective remedy and compensation, if such ill-treatment occurs; and

(d) The number of complaints lodged, proceedings instituted, and information on convictions and penalties handed down.

19. Please provide information on the use of alternatives to detention for asylum-seekers and on the steps taken to ensure that the detention of asylum-seekers is only used as a last resort. Please comment on reports that a considerable number of irregular migrants and asylum-seekers are detained for very long periods with limited access to judicial review of detention. What measures has the State party taken to prevent the detention of asylum-seeking children, particularly unaccompanied children, and to ensure that they are provided with appropriate care and assistance? Please indicate measures taken to strengthen the independence and effectiveness of the Immigration Detention Facilities Visiting Committee (CCPR/C/JPN/6, para. 156).

Rights of persons belonging to minorities (arts. 26 and 27)

20. Please comment on reports that Ainu, Ryukyu and Okinawa continue to face discrimination in the fields of education, public participation and employment. Please indicate measures taken to protect and promote their cultural heritage, traditional way of life and land rights. What steps have been taken to allow Ainu, Ryukyu and Okinawa children to be educated in their language and about their culture (CCPR/C/JPN/6, para. 335)?

21. Please clarify what progress has been made in ensuring adequate education for minority children. Please provide information on whether the State party is considering applying its tuition-waiver programme for high school education to children attending Korean schools? Does the State party recognize the Korean school leaving certificates as direct university entrance qualification?

Elimination of slavery and servitude (art. 8)

22. In light of the Committee's previous concluding observations (CCPR/C/JPN/CO/5, para. 22), please provide information on whether the State party considers acknowledging any legal responsibility for the abuses against victims of the military's sexual slavery practices during the Second World War, the so-called "comfort women" system. Please inform the Committee if the State party intends to take legislative and administrative measures to provide victims with full and effective redress, investigate the facts and prosecute perpetrators, educate the general public about the issue and take measures against recent attempts to deny the facts by Government authorities and public figures.

23. Please provide information on:

(a) The impact measured of the implementation of the "Japan's 2009 Action Plan to Combat Trafficking in Persons" (CCPR/C/JPN/6, paras. 116 and 117);

(b) Measures taken to enhance victim identification and enhance the protection and rehabilitation of victims of trafficking (CCPR/C/JPN/6, paras. 123-125);

(c) Training programmes for professionals involved in implementing the State party's measures against trafficking, including the police, the judiciary, members of the prosecution authorities and social workers; and

(d) Statistical data, disaggregated on the basis of gender, age and country of origin, on persons trafficked to and in transit through the State party, as well as information on prosecutions and convictions, and on sanctions imposed on perpetrators (CCPR/C/JPN/6, paras. 119-122).

24. Please provide information on measures taken to enforce and monitor the labour rights guaranteed under the revised Immigration Control and Refugee Recognition Act (CCPR/C/JPN/6, para. 32), particularly in relation to technical trainees and interns. Please indicate what steps have been taken to address alleged sexual exploitation and conditions amounting to forced labour of technical trainees and interns.

Rights of the child (arts. 24 and 26)

25. Please provide updated information on the State party's efforts (CCPR/C/JPN/6, paras. 315–318) to amend discriminatory legislative provisions against children born out of wedlock. Please also provide information on measures to address the continuing discrimination against children of migrants with regard to the acquisition of nationality, inheritance rights and birth registration.

26. In light of the Committee's previous recommendations (CCPR/C/JPN/CO/5, para. 27), please inform the Committee on whether the State party intends to revise its Penal Code to raise the minimum age of sexual consent from its current level of 13 years.

27. Please provide updated information on the measures taken to explicitly prohibit corporal punishment in the home and all other settings (CCPR/C/JPN/6, paras. 311 and 312).

Dissemination of information relating to the Covenant (art.2)

28. Please provide information on arrangements made to raise the awareness of judges, public servants, police officers and other law enforcement officials, legal advisers and teachers with regard to the Covenant. Please also provide more information on the involvement of ethnic and minority groups, civil society and non-governmental organizations in the preparatory process of the report (CCPR/C/JPN/6, paras. 23 and 24).
