

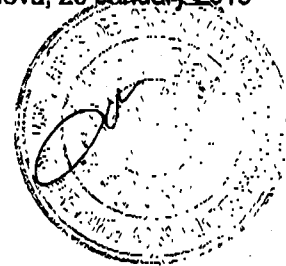
MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

EM/UN/36

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and, with reference to the Note Verbale Ref. Cultural rights/2012/MB dated 24 October 2012, has the honour to transmit herewith the response of the Government of Japan.

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 January 2013



Enclosure mentioned

OHCHR REGISTRY

29 JAN 2013

Recipients: S.P.D.

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In accordance with Human Rights Council Resolution 19/6, the Government of Japan is pleased to submit its response to the OHCHR's request.

1.

(Answer)

In Japan, Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) are guaranteed by Articles 13 and 21 of the Constitution of Japan.

(Reference)

➤ The Constitution of Japan

Article 13. 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 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

2.

(Answer)

N/A

3.

(Answer)

See attached file.

4.

(Answer)

Article 16 of the Basic Act on the Promotion of Culture and the Arts provides that an artist is a "a person who performs creative activities related to culture and the arts, a cultural successor of traditional arts, a person who possesses specialized knowledge and skills relating to the preservation and utilization of cultural heritage, etc., a person who plans cultural and artistic activities, a person who manages and operates a cultural facility or some other person who is responsible for culture and the arts".

◆ Enhance support for those cultural successors of techniques and skills, who support intangible cultural properties and cultural heritage.

8.

(Answer)

Examples of financial support for artistic creations and exhibitions are as follows:

◆ Promotion of cultural and artistic creations

○ Project for the Creation of Top-Level Performing Arts

Support for the creative activities of performing arts performed by top-level arts organizations possessing the ability to improve the standards of the performing arts.

○ Project for the Output of Creations Originating from High-Level Theaters and Concert Halls

Support for the creative activities of performing arts performed by top-level theaters and concert halls as well as theaters and concert halls which act as the heart of the region.

◆ Promotion of Japanese Cinema

○ Project to Support Japanese Filmmaking

Support for the production activities of high-quality Japanese films, and promotion of the films.

◆ Promotion of Media Arts

○ Support for the production of animated films

Support for the production activities of Japanese high-quality animated films, and promotion of the films.

◆ Support for International Exchange Activities through the Arts

Support for the growth of world-class arts organizations by providing support for performance collaborations between Japanese arts organizations and high-level foreign arts organizations and participation in international arts festivals held throughout the world.

□ Formation of a Base for Foreign Cultural and Artistic Output

○ Support for artists-in-residence programs, etc.

Form a base for cultural creation in various areas of Japan and international output by providing support for the activities of artists-in-residence programs inviting young foreign artists to come to Japan, reside in Japan for a while and perform creative activities.

9.

(Answer)

competition, a fancy-dress parade, a march, a demonstration or a similar act
(ii)~(ix)omitted

b) Criteria for Permission

Article 77(2) of the Road Traffic Act shows the criteria for permission by providing as follows:

The chief of police of the relevant police station shall permit the act if the act pertaining to the application falls under any of the following items:

- (i) in cases where the act pertaining to the application is deemed to be unlikely to obstruct traffic;
- (ii) in cases where the act pertaining to the application is deemed to be unlikely to obstruct traffic if it is committed in accordance with conditions attached to the permission;
- (iii) in cases where the act pertaining to the application is likely to obstruct traffic, but deemed to be essential by reason of public interest or social customs.

c) Conditions for Permission

Article 77(3) of the Road Traffic Act provides that a chief of police of the relevant police station who gives such permission may attach conditions to the permission necessary to prevent danger on the roads or to ensure safe and smooth road traffic.

13.

(Answer)

The following description was given in the Basic Policy on the Promotion of Culture and the Arts (Third Basic Policy) (Cabinet decision of February 8, 2011).

1. Basic principles for the promotion of culture and the arts
2. Basic viewpoints for promoting culture and the arts

(2) Basic viewpoints

(iii) Promotion of culture and the arts by the whole of society

Since culture and the arts are a manifestation of the spiritual activities of human beings, first the spontaneity and autonomy of the actors should be respected, following which it is important to establish detailed measures in accordance with the characteristics of the actors and the region.

It is expected of local governments that they will play a key role in promoting distinctive culture and arts in light of the actual conditions of each particular region. In particular, following the enactment of the Basic Act, although ordinances have been

examinations and evaluations was introduced on a trial basis in the Project for the Creation of Top-Level Performing Arts from FY 2011 utilizing experts (program directors (PDs) and programs officers (POs)). The experts carry out ex-post evaluations pertaining to the subsidized activities, research and analysis of the achievements and issues of the subsidized projects, and offer expert advice.

15.

(Answer)

In Japan, the copyright for artistic creations, and the copyright and neighboring rights with regard to performances are protected by the Copyright Act. The system and organization of centralized management with respect to copyright are as follows.

A copyright management operator who has registered a copyright pursuant to the Act on Management Business of Copyright and Neighboring Rights collects royalties from users and distributes them to the right holder who has entrusted such management to it. As of January 2013, there were 37 such organizations <copyright management operators>.

One example of such a management operator is the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) which collected royalties amounting to approximately 100 billion yen (2011).

Fees for secondary use and remuneration pertaining to loans for the broadcasting of commercial phonograms: Since the right to demand remuneration is permitted to performers and producers (Paragraph (1) of Article 95, paragraph (1) of Article 97, paragraph (3) of Article 95-3, paragraph (3) of Article 97-3 of the Copyright Act) organizations which have been designated by the Commissioner for Cultural Affairs collect and distribute royalties.

<Designated organizations>

(Secondary use fees)

- Japan Council of Performers' Organizations (performers) (approximately 4.2 billion yen in 2011)
- Recording Industry Association of Japan (record producers) (approximately 5.8 billion yen in 2011)

(Remuneration for loans)

- Japan Council of Performers' Organizations (performers) (approximately 1.9 billion yen in 2011)
- Recording Industry Association of Japan (record producers) (approximately 3.3

Outline of the 3rd Basic Policy on the Promotion of Culture and the Arts

I. Basic Philosophy on the Promotion of Culture and the Arts

1. Significance of the promotion of culture and the arts

Culture and the Arts

- Indispensable for people to achieve a spiritually rich life
 - These elements are irreplaceable as something to believe in, and are social assets for the entire nation.
- Sources of creative economic activities, or "Soft Power"
 - They lay the foundations for sustainable economic development and smooth international cooperation, and enhance national strength.



Bring (the promotion of culture and the arts) to the core of national policy measures with the aim of creating a new "Nation based on Culture and the Arts."

2. Basic viewpoints for promoting culture and the arts

① Sources of growth in a mature society

- Public support of culture and the arts shall be recognized as a strategic investment based on social needs.
- Support of culture and the arts shall be clearly positioned as a public policy measure from the viewpoint of evoking potential as an area of growth in a mature society and increasing social capital.
- Measures need to be implemented in a manner suited to the nature of culture and the arts, and from a long-term, sustainable viewpoint.

② Propagation power of culture and the arts promotion

- Promotion with a view to the ripple effects on education, welfare, community development, tourism, industry and other related areas.
- Policy development of utilizing the strong points of Japan, while also keeping in mind the viewpoints of increasing employment opportunities and revitalizing regional communities, and of enhancing the cultural presence of Japan.

③ Nationwide promotion of culture and the arts

- Private organizations, local public bodies, the national government, and other entities need to collaborate, while clearly recognizing their respective roles, to promote culture and the arts by society as a whole.

II. Priority Measures Related to the Promotion of Culture and the Arts

1. Six priority strategies for building a "Nation based on Culture and the Arts"

Priority strategy 1

Effective support of cultural and artistic activities

- ◆ Introducing new supportive systems toward cultural and artistic organizations
- ◆ Introducing a new mechanism equivalent to the arts councils in various countries
- ◆ Expanding and improving support to the bases of culture and the arts that form the core of regional communities
- ◆ Studying the development of legal foundations for theaters, concert halls and others
- ◆ Introducing governmental compensation systems for damage caused to works of art and appropriate operation of the systems
- ◆ Promoting support activities undertaken by the private sector and supporting NPOs and other organizations that assume leading roles as the "New Public Commons"
- ◆ Expanding and improving the functions of national cultural facilities for even more effective operation

Priority strategy 2

Enhancing the human resources who create and support culture and the arts

- ◆ Support systems for nurturing young and upcoming artists
- ◆ Expanding the support systems for cultivating and utilizing the expert human resources who support cultural and artistic activities and the operation of facilities
- ◆ Expanding the support systems to the successors of intangible cultural property, techniques and skills that support cultural property

Priority strategy 3

Improving promotional measures for culture and the arts aimed at children and young people

- ◆ Expanding opportunities for appreciating works of art and becoming familiar with traditional culture and cultural property
- ◆ Improving arts education in schools including communication education

Priority strategy 4

Passing down culture and the arts to the next generation

- ◆ Conserving and passing down cultural property through planned measures for repair and disaster prevention
- ◆ Increasing opportunities for people to familiarize themselves with cultural property through public display and utilization in a more positive way
- ◆ Broadening the bases for protecting cultural property through comprehensive preservation and utilization and the use of the registration system
- ◆ Configuring archives in areas of culture and the arts, collecting information on locations and compiling and using lists of works in storage

Priority strategy 5

Use of culture and the arts for promoting regional communities, tourism, and industry

- ◆ Utilizing tangible and intangible resources of culture and the arts for promoting regional communities, tourism, and industry
- ◆ Supporting the formation of new bases for creativity and encouraging the promotion of regional culture
- ◆ Promotion of the actual culture for living, including the culture related to clothing, food, and residences

Priority strategy 6

Enhancing cultural communication and international cultural exchanges

- ◆ Expanding support to overseas performances and exhibitions, and international joint productions
- ◆ Supporting strategically the hosting of major international art festivals in Japan, participation in overseas festivals, and improving the Japan Media Arts Festival even further as a global festival
- ◆ Enhancing the activities and content of history museums and art museums as bases for cultural communication and exchange
- ◆ Expanding international cooperation in areas related to cultural property
- ◆ Promoting international cultural exchanges in East-Asia

2. Points to note when promoting the priority strategies

- (1) Implementing cross-sectional and comprehensive measures
 - Implementation of measures of the priority strategies in a cross-sectional manner.
 - Comprehensive implementation of measures by the collaboration and joint endeavors between associated Ministries and Agencies.
- (2) Establishing a plan-do-check-act (PDCA) cycle

III. Basic Measures on the Promotion of Culture and the Arts

List up the basic measures in line with each Article (from Article 8 and later) in Chapter III of the Basic Act on the Promotion of Culture and the Arts