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**Human Rights Council**

**Fifty-third session**

19 June–14 July 2023

Agenda item 6

**Universal periodic review**

 **Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

 **Japan**

 **Addendum**

 **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

1. The Government of Japan (hereinafter “the Government”) has carefully considered all 300 recommendations from the interactive dialogue (ID) on 31 January 2023, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1 and paragraph 16 of the annex to Council resolution 16/21. Japan is pleased to provide the following responses, including additional comments, where applicable. In summary, Japan “supports” 180 recommendations (classified as “Accept to follow up”), and “notes” 120 recommendations (classified as “Partially accept to follow up”, “note” and “not accept”). Japan will continue to follow up the recommendations it has accepted to follow up, including those Japan has been already addressing.

2. Upon review, Japan accepts to follow up on the following recommendations formulated during the ID: 158.8-158.11, 158.14-158.17, 158.20-158.21, 158.23, 158.27-158.31, 158.35-158.43, 158.46-158.69, 158.75-158.80, 158.82-158.85, 158.87-158.88, 158.90, 158.112, 158.115, 158.117-158.119, 158.121, 158.124-158.128 158.130, 158.132, 158.134, 158.136-158.140, 158.145-158.146, 158.150-158.154, 158.159-158.160, 158.162-158.164, 158.166-158.168, 158.171, 158.178, 158.180-158.186, 158.188-158.197, 158.199-158.201, 158.203-158.207, 158.213-158.216, 158.218-158.220, 158.224, 158.226, 158.230-158.234, 158.236-158.237, 158.239-158.243, 158.245-158.250, 158.252-158.265, 158.275, 158.286-158.291, 158.293-158.295, 158.297, and 158.300.

158.34 Accept to follow up.

 A standing invitation was extended in 2011.

158.228 and 158.229 Accept to follow up.

 The Basic Act on Children’s Policy came into force on 1 April 2023.

158.251 Accept to follow up.

 Local education boards already have to respect the opinions of children and their parents/legal guardians as much as possible when schools for children with disabilities are selected.

3. For the remaining recommendations, Japan’s position is summarized below:

158.1 Partially accept to follow up.

158.2, 158.3, 158.96, 158.98, and 158.100 Not accept.

 Japan’s position was stated in the ID as recorded in the Draft Report of the Working Group on the UPR (“Draft Report”) (para. 140).

 Regarding the moratorium on the execution of the death penalty, the Ministry of Justice considers that it should be determined carefully and strictly in accordance with the law, while respecting the court’s judgment.

158.4, 158.5, 158.6, 158.92, 158.94, 158.95, 158.97, 158.99, and 158.102 Not accept.

 Japan’s position was stated in the ID as recorded in the Draft Report (para. 140).

158.7 Note.

 Japan has already implemented effective measures against the manufacture and sale of illicit tobacco products and the inflow of illicit tobacco products imported from abroad in accordance with domestic law. In addition, Japan shares such information with the relevant authorities of each country. Therefore, Japan considers that it has already fully achieved the objectives of this Protocol.

158.12 and 158.13 Note.

 The Istanbul Convention contains various points to consider including the significance of the Convention and its relationship with domestic law. Thus, Japan needs to fully scrutinize its contents.

158.18 Partially accept to follow up.

 The Constitution of Japan provides for equality under the law, including prohibition of racial discrimination. It is necessary to carefully consider the ratification of ILO Convention No. 169 in light of actual situations in Japan.

158.19 Note.

 See 158.18.

158.22 Note.

 Japan is a state party to the Convention Relating to the Status of Refugees.

158.24 Not accept.

 It is necessary to carefully consider a wide range of policy areas in light of social situations in Japan.

158.25 Note.

 Regarding the Convention against Discrimination in Education, in Japan, the opportunity to receive education is assured appropriately for its nationals and extensively for foreign nationals, following provisions and purposes of relevant domestic and international laws and regulations.

158.26 Partially accept to follow up.

 See 158.25.

158.32 Note.

158.33 Partially accept to follow up.

 Japan does not accept the recommendation on the TPNW in light of the difference in the basic approach to the elimination of nuclear weapons.

158.44, 158.45, and 158.116 Not accept.

 Japan’s position was stated in the ID as recorded in the Draft Report (paras. 151 and 152).

158.70 Partially accept to follow up.

158.71 Partially accept to follow up.

158.72 Note.

158.73, 158.89, and 158.296 Note.

 Regarding the dissemination and expression of ideas based on racial discrimination, a considerable number of such acts are punishable under the current law.

 Punishing these acts beyond the scope of punishment under the current law requires extremely careful consideration in relation to freedom of expression.

158.74 Note.

 Regarding the Ainu people, Japan’s position is stated in the National Report (para. 84). Japan recognizes only the Ainu people as indigenous people in Japan. Also see 158.73.

158.81 Note.

 The “Hate Speech Elimination Act” was enacted in 2016.

158.86 Note.

158.91 Not accept.

158.93 Not accept.

 See 158.2.

 In Japan, crimes for which the death penalty is prescribed as a statutory penalty are limited to 19 serious crimes, and the decision to whether to choose the death penalty is made extremely strictly and carefully, based on the Supreme Court decision.

158.101 Not accept.

 Regarding abolition of the death penalty and introduction of the moratorium, see 158.2. Regarding the so-called mandatory system of reviews in capital cases, see 158.103.

 In addition, the majority of Japanese people consider the death penalty to be unavoidable in the case of extremely heinous crimes and therefore Japan currently has no plans to establish a forum on the death penalty system.

158.103 Note.

 In Japan, based on the three-tiered judicial system, a conviction is confirmed through a carefully-managed process conducted throughout investigations and trials. For final and binding judgments, relief systems are in place as well, including retrial and extraordinary appeal to the Supreme Court. In addition, the death penalty is executed in an extremely prudent manner under a strict system. Therefore, the Government considers that there is no need to establish a so-called mandatory system of reviews in capital cases in addition to the existing system.

158.104 and 158.298 Partially accept to follow up.

 We have been minimizing the period of immigration detention and further strengthening this approach through introduction of mandatory periodic review of its continuing necessity and appropriateness.

158.105, 158.106, and 158.107 Note.

 Japan’s position is stated in the ID as recorded in the Draft Report (para. 77).

158.108 Note.

 Japan believes there is no need to reform the current detention system.

158.109 Note.

 Japan’s position is stated in the UPR 4th National Report. (para. 15)

158.110 Not accept.

 Japan’s position was stated in the ID as recorded in the Draft Report (paras. 78 and 154). Japan detains suspects after rigorous judicial review and the period of pre-trial detention is short. Japan makes various efforts to protect the human rights of suspects.

158.111 Not accept.

 There are no circumstances that warrant a change in the method of execution.

158.113 Not accept.

 Although it is not possible to regulate only donations to religious corporations (religious organizations), the Act on the Prevention of Unfair Solicitation of Donations already regulates unfair solicitation of donations by any corporations, organizations and associations.

158.114 Not accept.

 Japan’s position was stated in the ID as recorded in the Draft Report (para. 79).

158.120 Not accept.

 Japan’s position is stated in the National Report (para. 50). Japan has also criminalized all acts that fall under trafficking in persons, as defined in the TIP Protocol.

158.122 Partially accept to follow up.

158.123, 158.129, and 158.131 Partially accept to follow up.

 See 158.120.

158.133 Not accept.

158.135 Note.

 The water to be discharged is the water whose concentrations of radioactive materials are far below the regulatory standards, which are based on international standards, by diluting further ALPS treated water that has already been purified sufficiently. Therefore expressions such as “nuclear-contaminated water” are incorrect and not based on scientific evidence. Japan will continue to ensure objectivity and transparence of the process for the discharge through reviews by the IAEA.

158.141 Partially accept to follow up.

158.142 and 158.143 Note.

 Japan’s position was stated in the ID as recorded in the Draft Report (para. 77).

158.144 and 158.169 Note.

158.147 Not accept.

 The Government recognizes that it is a difficult issue that is deeply related to individual ethical and moral views. The Government believes that it is important to deepen the discussion on how the Maternal Protection Law should be regulated. Regarding abolition of the crime of abortion, see 158.209.

158.148 Note.

 The method of discharge into the sea was selected by the Government after a multifaceted review of various options during more than six years of expert discussions, with appropriate involvement from the IAEA. The IAEA has also noted that the offshore discharge is technically feasible and in line with international practice. For a response to the expression “nuclear waste,” see 158.135.

158.149 Partially accept to follow up.

 Based on the Japanese Constitution and the Basic Act on Education, compulsory education (primary and early secondary education) at national and public schools is free. For the latter half of secondary education, we provide support for tuition fees according to the circumstance of guardians such as their income, based on the "Act on Payment of Tuition Support Funds for High Schools.”

158.155 and 158.156 Partially accept to follow up.

 Property rights should not impede the rights of others, and reasonable restrictions are imposed by domestic law.

158.157 and 158.158 Not accept.

 In Japan, sexuality education is already provided from various perspectives corresponding to the developmental stages of pupils, based on the National Curriculum Standard. Neither comprehensive sexuality education (CSE) as a general term nor CSE as advocated by the UNESCO Guidance is acceptable to the Government.

158.161 Note.

 TEPCO has analyzed and assessed the potential impact on the surrounding environment of factors other than radiation contained in the ALPS treated water, such as chemical substances and water temperature, and TEPCO included the results in the revised radiological environmental impact assessment report in response to the points raised in the public comments.

 TEPCO’s assessment, which was reviewed by the IAEA, was conducted with reference to international standards, domestic laws, and regulations. In light of the results of this analysis and assessment, it was confirmed that those factors will not cause contamination or significant and harmful changes to the marine environment.

158.165 Not Accept.

 The Government does not apply unilateral coercive measures that are contrary to the UN Charter.

158.170 Note.

 It is the policy of the Government to provide information to the international community including the Pacific Islands Forum (PIF), in a transparent manner based on scientific evidence, with an emphasis on providing sufficient data, and Japan has been continuing and will continue doing so.

 All data related to the safety of ALPS treated water is available on TEPCO’s website. Radionuclides contained in all ALPS treated water before dilution will be analyzed again. In addition, the reliability of the data will be corroborated through the review by the IAEA.

 158.172 Note.

 See 158.135 and 158.148.

 The Government, after concurring with the PIF delegation in February in the importance of intensive dialogues, has been duly implementing dialogues with the Pacific Island countries at the political and expert levels.

 158.173 Note.

 See 158.135, 158.148, and 158.172.

 158.174 Note.

 See 158.135 and 158.170.

 158.175 Note.

 See 158.135 and 158.148.

 158.176 Note.

 See 158.135, 158.148 and 158.170.

 158.177 and 158.179 Note.

 See 158.135 and 158.148.

 158.187 Partially accept to follow up.

 In Japan, Justices of the Supreme Court are appointed by the Cabinet.

 158.198 Note.

 Engagement with the Taliban is necessary in urging them to improve the human rights situation in Afghanistan. Japan has consistently emphasized the importance of respecting and upholding human rights to the Taliban when engaging with them.

 158.202 Note.

 Japan’s position was stated in the ID as recorded in the Draft Report (para. 148).

 158.208 Note.

 See 185.147.

 158.209 Not accept.

 See 185.147.

 Abolishing the crime of abortion and making it uniformly unpunishable requires careful consideration, because the unborn need to be protected as living beings, and disrespecting them can equate to disrespecting human life.

 158.210 Partially accept to follow up.

 The Maternal Protection Law stipulates the necessity of spousal consent when performing an abortion, but it is a difficult issue that is deeply related to individual ethical and moral views. The Government believes that it is important to deepen discussion at all societal levels regarding the appropriate provisions of the Maternal Protection law.

 158.211 Not accept.

 The Maternal Protection Law was enacted through legislation by Diet members. In order to amend it, it is necessary to take appropriate action based on discussions in the Diet. Also see 158.209.

 158.212 Partially accept to follow up.

 See 158.209.

 158.217 Note.

 158.221, 158.222, and 158.277 Note.

 Regarding legislation dealing with sex crimes, a bill, which is based on an opinion provided by the Legislative Council to the Minister of Justice in February 2023, was submitted to the Diet in March 2023.

 158.223 Not accept.

 Domestic violence and marital rape are crimes under the Penal Code. Although there is no provision that punishes incest itself, certain sexual acts, including sexual intercourse by a person having custody of a person under 18 with the person in their custody, are punishable under the Penal Code.

 158.225 Partially accept to follow up.

 See 158.223.

 158.227 Partially accept to follow up.

 Marital rape is a crime under the Penal Code.

 158.235 and 158.238 Partially accept to follow up.

 See 158.221.

 158.244 Note.

 See 158.73.

 158.266, 158.267, 158.268, and158.279 Note.

 Japan’s position is stated in the National Report (para. 8).

 158.269 Not accept.

 Careful consideration is necessary for the revision of the “Law on Special Cases of Gender Identity Distortion (2003)” (Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder).

 158.270 and 158.276 Note.

 Japan’s position was stated in the ID as recorded in the Draft Report (para. 81).

 158.271, 158.272, 158.273, 158.274, 158.282, and 158.284 Note.

 As political parties are preparing to submit a bill to promote LGBT understanding, the Government will respect the legislative process and wait for it to conclude. Also See 158.266 and 158.270.

 158.278 Not accept.

 We believe that careful consideration is necessary to abolish the requirements referred to in this recommendation.

 158.280 Note. See 158.73.

 158.281 Note.

 Privacy is protected not only under the Act on the Protection of Personal Information, but under various laws.

 Under the Act on the Protection of Personal Information, privacy is included as one of the legal benefits protected by the Act: “an individual’s rights and interests.” Privacy of LGBT persons, as a result, may be protected by ensuring proper handling of personal information.

 Furthermore, as political parties are preparing to submit a bill to promote LGBT understanding, the Government will respect the legislative process and wait for it to conclude.

 158.283 Partially accept to follow up.

 See 158.266.

 158.285 Note.

 As political parties are preparing to submit a bill to promote LGBT understanding, the Government will respect the legislative process and wait for it to conclude.

 158.292 Partially accept to follow up.

 See 158.104.

 The complaint process is operated appropriately within the Immigration Services Agency because complaints filed with a director of an immigration detention facility, are handled by officials of the General Affairs Division and not by immigration control officers in charge of detainees’ treatment, and also because detainees can file objections to the Commissioner of the Immigration Services Agency.

 158.299 Partially accept to follow up.

 Japan’s position is stated in the National Report (para. 90).

 The Government has also been undertaking necessary measures to protect human rights of evacuees such as housing and other supports.

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)