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resolution 16/21**

Japan

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1995) ICESCR (1979) ICCPR (1979) CEDAW (1985) CAT (1999) CRC (1994) OP-CRC-AC (2004) OP-CRC-SC (2005) CRPD (signature only, 2007)	CPED (2009)	ICCPR-OP 2 OP-CAT ICRMW CRP (signature only, 2007)
<i>Reservations, declarations and/or understandings</i>	ICERD (Reservation, art. 4 (a) and (b), 1995) ICESCR (Reservations, art. 7 (d), art. 8, para. 1 (d), art. 13, para.2 (b) and (c), Declaration, art.8, para.2, 1979) ICCP (Declaration, art.22, para.2, 1979) CRC (Reservation, art. 37 (c), Declarations, art. 9, para.1 and art. 10, para.1, 1979) OP-CRC-AC (Declaration, arts.3, para.2 and 3, para.5, 2004)	OP-CRC-AC (Declaration, art. 3 para.4 strengthening previous declaration on art. 3, para. 2, 2010)	
<i>Complaint procedures, inquiry and urgent action³</i>	CAT, arts. 20 and 21 (1999)		ICCPR, art. 41 ICCPR-OP1, art. 1 OP-CEDAW, arts. 1 and 8 OP-ICESCR, arts. 1, 10 and 11 OP-CRPD, arts. 1 and 6

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
		CAT, art. 22
		CPED, arts. 30, 31, 32 and 33
		ICRMW, arts. 76 and 77
		OP-CRC-IC, arts. 5, 12 and 13
		ICERD, art. 14

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified^d</i>
<i>Ratification, accession or succession</i>	Rome Statute of the International Criminal Court(2007)		Convention on the Prevention and Punishment of the Crime of Genocide
	1951 Convention relating to the Status of Refugees (1981) and its 1967 Protocol (1982) ⁵		Palermo Protocol (Signature only in 2002) ⁸
	Geneva Conventions of 12 August 1949(1953) and Additional Protocols thereto ((2004) except Protocol III) ⁶		1954 Convention relating to the Status of Stateless Persons ⁹
	ILO fundamental conventions (except Conventions 105 and 111) ⁷		1961 Convention on the Reduction of Statelessness ¹⁰
			Additional Protocol III to the Geneva Conventions of 12 August 1949 ¹¹
			ILO Convention No. 105 ¹²
			ILO Convention No. 111 ¹³
			ILO Convention No. 169 ¹⁴
			ILO Convention No. 189 ¹⁵
			UNESCO Convention against Discrimination in Education

1. In 2010, the Committee on the Rights of the Child (CRC) recommended that Japan ratify the 1993 Hague Convention 33¹⁶ and the Palermo Convention.¹⁷ The Special Rapporteur on trafficking in persons, especially women and children also recommended ratifying, inter alia, the Palermo Protocol and the 1980 Hague Convention on Civil Aspects of International Child Abduction.¹⁸

2. The Committee on the Elimination of Racial Discrimination (CERD) welcomed Japan's support to the 2007 United Nations Declaration on the Rights of Indigenous Peoples (but expressed concern about the limited progress towards its implementation).¹⁹

3. CERD encouraged examining the need to maintain Japan's reservations to article 4 (a) and (b) of the Convention, with a view to reducing their scope and preferably their withdrawal²⁰ and making the optional declaration provided for in article 14.²¹

4. CRC recommended that Japan withdraw its reservation to article 37 (c) of the Convention regarding the separation of children deprived of liberty from adults.²² In 2011, the Special Rapporteur on the human rights of migrants also recommended reconsidering its reservation to article 37(c).²³

B. Constitutional and legislative framework

5. The Committee on the Elimination of Discrimination against Women (CEDAW) was concerned that the Convention was non-self-executing and not directly applicable in court proceedings, urging Japan to ensure its full applicability and incorporation in the domestic legal system.²⁴

6. In 2011, the Special Rapporteur on water and sanitation recommended that Japan fully guarantee economic, social and cultural rights in domestic law, including by ensuring that these rights are justiciable in national courts.²⁵

7. CRC recommended that Japan adopt a comprehensive law on child rights and fully harmonize the legislation with the Convention;²⁶ and observe the principle of the best interests of the child in all legal provisions, judicial and administrative decisions, programmes and services.²⁷

C. Institutional and human rights infrastructure and policy measures

8. The Human Rights Committee (HR Committee), CERD, CEDAW and CRC urged Japan to establish an independent human rights institution, in compliance with the Paris Principles.²⁸ In 2011, the Special Rapporteur on water and sanitation recommended establishing a national institution with competencies to monitor the enjoyment of all human rights, including economic, social and cultural rights, and to receive individual complaints.²⁹ In 2010, the High Commissioner for Human Rights noted the Government's commitments to set up an independent national human rights institution.³⁰

9. CEDAW recommended that Japan define the mandate and responsibilities of the Gender Equality Bureau of the Cabinet Office.³¹

10. CRC noted that several institutions responsible for the care and protection of children did not conform to appropriate standards.³²

11. CRC recommended adopting and implementing a national plan of action for children to address inequalities in income and living standards and disparities by gender, disability, ethnic origin and other factors.³³

12. In 2005, Japan adopted the United Nations Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.³⁴

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁵

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2001	2008	March 2010	Seventh to ninth reports due in 2013
CESCR	Aug. 2001	2009	--	Third report pending consideration
HR Committee	Nov. 1998	2006	Oct. 2008	Sixth report overdue since 2011
CEDAW	July 2003	2008	July 2009	Seventh and eighth reports due in 2014
CAT	May 2007	2011	--	Second report pending consideration
CRC	Jan. 2004	2008	June 2010	Fourth to fifth reports due in 2016.
CED	--	--	--	Initial report due in 2013

13. In 2012, CERD, under the early warning and urgent action procedure, sent a letter to Japan regarding the measures taken to protect the rights of the ethnic minorities living in the areas of Okinawa and Takae. It urged Japan to send information before 31 July 2012.³⁶

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2009	Retrial or pardon of death penalty requests; detention conditions of death row inmates; due process respect; interrogation process of detainees and police role in criminal investigations. ³⁷	2010 ³⁸
CAT	2008	Migrants and asylum seekers rights; pretrial detention; interrogation and confessions of detainees; sexual violence. ³⁹	2008 ⁴⁰
CEDAW	2011	Civil Code amendment (marriage-discrimination); women employment and political participation. ⁴¹	2011 ⁴²

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2011	Human rights protection bill; national human rights institution establishment; Ainu's rights (indigenous peoples); Okinawan's discrimination. ⁴³	2011 ⁴⁴

B. Cooperation with special procedures⁴⁵

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	Yes
<i>Visits undertaken</i>	<p>Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, visit to Japan, 10-14 December 2006 and 15 to 19 January 2008</p> <p>Special Rapporteur on contemporary forms of racism, 3-11 July 2005</p> <p>Special Rapporteur on violence against women, mission to the Democratic People's Republic of Korea</p> <p>The Republic of Korea and Japan on the issue of military sexual slavery in wartime, 14-27 July 1995</p>	<p>Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (23-28 January 2009)</p> <p>Special Rapporteur on trafficking in persons, especially women and children (12-17 July 2009)</p> <p>Special Rapporteur on the human rights of migrants (23 March - 1 April 2010)</p> <p>Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation (20-28 July 2010)</p> <p>Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (25 - 28 January 2011)</p> <p>Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (16-20 January 2012)</p>
<i>Visits agreed to in principle</i>	Special Rapporteur on trafficking in persons, especially women and children.	<p>Special Rapporteur on health (dates to be agreed upon)</p> <p>Working Group on Arbitrary Detention</p>
<i>Visits requested</i>	<p>Special Rapporteur on toxic wastes (2005)</p> <p>Special Rapporteur on the human rights of migrants (2006)</p> <p>Working Group on Arbitrary Detention (2007)</p>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 6 communications were sent. The Government replied to all of these communications.	

C. Cooperation with the Office of the High Commissioner for Human Rights

14. In 2011, the Office of the United Nations High Commissioner for Human Rights (OHCHR) contributed to multilateral humanitarian responses by, inter alia, training Japanese NGOs on protection in natural disasters.⁴⁶ In 2010, at the request of State parties, OHCHR carried out capacity-building and training activities on human rights treaties, including in Japan.⁴⁷

15. The High Commissioner for Human Rights visited Japan in 2010.⁴⁸ Japan made financial contributions to OHCHR in 2008, 2009 and 2010, including inter alia to the Voluntary Fund for Technical Cooperation, the Voluntary Fund on Contemporary Forms of Slavery and a number of field activities.⁴⁹

III. Implementation of international human rights obligations

A. Equality and non-discrimination

16. CEDAW remained concerned at the absence in domestic legislation of a specific definition of discrimination against women in accordance with article 1 of the Convention.⁵⁰

17. CEDAW welcomed the enactment and revision of numerous laws and legal provisions on gender equality and highlighted one amendment abolishing the family head system contained in article 3.1 of the Nationality Law, to ensure that men and women have the same rights with respect to their children's nationality.⁵¹

18. CEDAW called upon Japan to eliminate stereotypical attitudes; criminalize verbal violence and ensure that Government officials did not make disparaging remarks which discriminated against women; combat pornography and sexualization in the media; and ensure that media production and coverage were non-discriminatory.⁵²

19. CEDAW noted that vulnerable groups of women suffered from discrimination, especially regarding access to employment, health care, education and social benefits and requested the Government to adopt gender-specific policies and programmes in this regard.⁵³

20. CERD highlighted that the grounds of discrimination of article 1 of the Convention were not fully covered.⁵⁴ It urged Japan to adopt specific legislation to outlaw direct and indirect racial discrimination, and ensure adequate expertise and authority among law enforcement officials to deal with offenders and protect victims.⁵⁵ In 2011, the Special Rapporteur on the human rights of migrants observed that racism and discrimination based on nationality are still common.⁵⁶ CERD made recommendations regarding gender-related racial discrimination.⁵⁷

21. CERD noted with concern racist expressions and actions against groups, including Burakumin and children attending Korean schools, and recommended that Japan ensure that constitutional, civil and criminal law provisions are implemented to address hateful and racist manifestations.⁵⁸

22. CERD reiterated its concern about discriminatory statements by public officials and recommended enacting a law prohibiting racist and xenophobic statements, and guaranteeing access to effective protection and remedies through competent national courts.⁵⁹

23. CRC was concerned about discrimination against children belonging to ethnic minorities, of non-Japanese nationality, of migrant workers, refugee children and children with disabilities, and recommended repealing all legislation discriminating children on any basis.⁶⁰

24. The HR Committee urged Japan to amend the legislation in order to include sexual orientation among the prohibited grounds of discrimination and ensure that benefits granted to unmarried cohabiting opposite-sex couples were equally granted to unmarried cohabiting same-sex couples.⁶¹

B. Right to life, liberty and security of the person

25. The HR Committee reiterated its concern that the number of crimes punishable by death penalty had not been reduced and that executions had increased; that death row inmates were kept in solitary confinement and executed without prior notice before the day of execution, and in some cases, at an advanced age or despite having mental disabilities. It recommended abolishing the death penalty.⁶² In 2010, the High Commissioner for Human Rights was encouraged that no execution had been carried out since the new Government took office, and hoped the country could take further, more formal, steps towards a moratorium on the death penalty.⁶³ In 2010, Japan voted against the adoption of United Nations General Assembly resolution 65/206 calling for a moratorium on the death penalty.⁶⁴

26. The HR Committee noted with concern that an increasing number of defendants were convicted and sentenced to death without exercising their right of appeal; meetings of death row inmates with their lawyer were attended and monitored by prison officials until the court had decided to open a retrial; and requests for retrial or pardon did not have the effect of staying the execution of a death sentence. It urged Japan to introduce a mandatory system of review in capital cases.⁶⁵

27. The HR Committee reiterated its concern that the substitute detention system (Daiyo Kangoku) increased the risk of abusive interrogations aimed at obtaining a confession, highlighting the extremely high conviction rate based on confessions, particularly regarding convictions involving death sentences. It recommended that Japan ensure its full compliance with all guarantees contained in article 14 of the Covenant.⁶⁶

28. The HR Committee was concerned that certain inmates were placed in solitary confinement for protracted periods and urged Japan to ensure that such measures remain exceptional.⁶⁷

29. The HR Committee was concerned that several institutions dealing with detainees and prison conditions lacked the independence, and authority required for external prison or detention monitoring and complaint mechanisms to be effective.⁶⁸

30. Despite the measures to protect and assist victims of gender-based violence and exploitation, including domestic violence, sexual violence and trafficking in persons,⁶⁹ the HR Committee was concerned that sentences for perpetrators of domestic violence were lenient; that there was a lack of long-term assistance for victims; and that the delays in granting foreign victims residence status barred them from accessing social security benefits. The Committee urged Japan to take action in that regard.⁷⁰

31. CEDAW welcomed the revision of the Act on the Prevention of Spousal Violence and the Protection of Victims but remained concerned that the domestic legislation did not cover all forms of violence within intimate relationships and highlighted the precarious situation of immigrant women, minority women and women of vulnerable groups.⁷¹

32. CEDAW called upon Japan to address violence against women; facilitate the reporting of domestic and sexual violence; and provide support services.⁷²
33. The HR Committee was concerned that the definition of rape in the Criminal Code only covered actual sexual intercourse between men and women. It recommended that Japan broaden the definition of rape and ensure that incest, sexual abuse other than actual sexual intercourse, rape of men and marital rape were considered serious criminal offences.⁷³ CRC noted that the Penal Code only recognized women and girls as victims of rape and related offences and that these provisions did not extend to boys and recommended that Japan ensure that all boys or girls are accorded the same protection regarding rape.⁷⁴
34. The HR Committee was concerned about the low age of sexual consent (13 years for boys and girls), urging the Government to raise such age.⁷⁵
35. CRC reiterated its concern at the prevalence and increasing sexual exploitation of children, child pornography and prostitution. It recommended adopting a plan of action to combat organized crime; treating children as victims and not as offenders; and, providing assistance to victims of sexual exploitation.⁷⁶
36. While noting Japan's explicit prohibition of corporal punishment in schools, CRC expressed concern that this prohibition was not effectively implemented. It also noted that corporal punishment in the home and in alternative care settings was not expressly prohibited by law. It recommended prohibiting corporal punishment and all forms of degrading treatment of children in all settings by law.⁷⁷
37. CRC recommended implementing the recommendations of the United Nations Secretary-General's Study on violence against children.⁷⁸
38. CRC was concerned that in Japan the sale of children was not included as a specific offence in its Penal Law and urged Japan to criminalize it in compliance with the OP-CRC-SC.⁷⁹
39. In 2010, the Special Rapporteur on trafficking in persons, especially women and children noted with concern that the law does not punish the possession of pornography of children if it is not intended for sale,⁸⁰ and recommended that the Act against Child Prostitution and Child Pornography be amended to criminalize the possession of child pornography.⁸¹
40. CRC remained concerned that no legislation criminalized the recruitment of children into armed forces or groups or their use in hostilities, nor was there a definition of direct participation in hostilities and urged the Government to revise the Penal Code.⁸²
41. CEDAW and the HR Committee shared concerns about the persistence of trafficking in women and girls, and exploitation of prostitution; lack of comprehensive support and measures aimed at rehabilitating victims of trafficking; prosecution of prostitutes under the Anti-Prostitution Law; and the low number of prison sentences imposed on perpetrators of trafficking-related crimes.⁸³ They urged Japan to address the root causes of trafficking and to protect and support victims.⁸⁴ CRC welcomed the 2009 Action Plan on Measures to Combat Trafficking in Persons and made recommendations regarding trafficking in children.⁸⁵ The Special Rapporteur on trafficking in persons, especially women and children was concerned that the definition of trafficking was not as comprehensive as the definition contained in the Palermo Protocol, in particular because it did not include recruitment without kidnapping.⁸⁶ She recommended that Japan adopt a clear definition of trafficking which includes all elements of the Palermo Protocol definition.⁸⁷ Additionally, she recommended that trafficking in men and boys be included in the action plan and in the legislation, in order to comprehensively address this phenomenon.⁸⁸

42. In 2010, the Special Rapporteur on trafficking in persons, especially women and children also noted that women and girls, including Japanese nationals, fall into the vicious circle of trafficking and sexual exploitation and other forms of gender-based violence.⁸⁹ She recommended intensifying efforts to eliminate all forms of violence against women and girls, and bringing perpetrators to account. She also recommended that the hotline for domestic violence be answered in the main foreign languages spoken in Japan.⁹⁰

C. Administration of justice, including impunity and the rule of law

43. The HR Committee noted with concern that Japan had not accepted its responsibility for the “comfort women” system during World War II and urged the Government to apologize with a view of restoring their dignity; prosecute perpetrators; compensate all survivors; and refute and sanction any attempts to defame victims or to deny the events.⁹¹ CEDAW made similar recommendations.⁹² In May 2010, the High Commissioner for Human Rights appealed to the Government to apologize and provide further redress to thousands of women victims of wartime sexual slavery.⁹³

44. CRC reiterated its previous concern that the revision of the Juvenile Law in 2000 had adopted a punitive approach and restricted the rights and judicial guarantees of juvenile offenders. It urged the Government to review the functioning of the juvenile justice system and bring it in line with United Nations standards.⁹⁴

45. CEDAW was concerned that the crime of sexual violence is prosecuted only upon complaint by the victim and that the penalty for rape remains low, urging Japan to eliminate in its Penal Code such requirement and increase the penalty for rape.⁹⁵ The HR Committee added that perpetrators of sexual violence frequently escaped punishment and judges required the victims to provide evidence of resistance.⁹⁶

46. CRC was concerned that victims of crimes under the OP-CRC-SC, did not receive adequate support and assistance throughout the criminal and judicial processes.⁹⁷

47. In 2011, the Special Rapporteur on the human rights of migrants was concerned about the judiciary’s failure to recognize and sanction discriminatory treatments of migrants. In addition to the adoption of legislation against racial discrimination and xenophobia, he recommended that urgent measures be taken within the judiciary and law enforcement agencies to guarantee the effective implementation of migrants’ rights without discrimination.⁹⁸

D. Right to privacy, marriage and family life

48. The HR Committee was concerned that children born out of wedlock were discriminated against regarding the acquisition of nationality, inheritance rights and birth registration, and urged the Government to remove any provision discriminating against such children from its legislation.⁹⁹ CEDAW and CRC shared the same concerns and recommendations.¹⁰⁰

49. CERD reiterated its concern about the difficulties in the family registration system and the continuing invasion of privacy, mainly of Burakumin. It recommended enacting a law prohibiting the use of the family registration system for discriminatory purposes, particularly in the fields of employment, marriage and housing, to effectively protect the privacy of individuals.¹⁰¹

50. CEDAW was concerned that domestic and family responsibilities were primarily borne by women and encouraged to step up efforts to strike a balance between family and employment responsibilities; and improve the provision and affordability of childcare

facilities for children of different age groups.¹⁰² CRC noted with concern the lack of a policy on alternative family-based care for children without parental care; increase of children taken into care; inadequate standards of many institutions; and widespread abuse of children in alternative care facilities.¹⁰³

51. CRC recommended that Japan ensure that all adoptions were subject to judicial authorization and in accordance with the best interests of the child; and maintain a registry of all adopted children.¹⁰⁴

52. CEDAW and the HR Committee urged the Government to set the minimum age for marriage at 18 for women and men; abolish the six-month waiting period required for women but not men before remarriage; and to adopt a system to allow for the choice of surnames for married couples.¹⁰⁵

E. Freedom of expression and right to participate in public and political life

53. The HR Committee was concerned about restrictions placed on the freedom of expression and the right to take part in public affairs. It was also concerned that political activists and public employees had been arrested and indicted for distributing leaflets critical of the Government.¹⁰⁶

54. The HR Committee and CEDAW shared the same concern at the low percentage of women in high-ranking positions¹⁰⁷ and urged the Government to achieve equitable representation of women and men in political and public life by adopting special measures.¹⁰⁸ CEDAW encouraged Japan to ensure that the representation of women reflected the full diversity of the population.¹⁰⁹

F. Right to work and to just and favourable conditions of work

55. CEDAW remained concerned about women's disadvantaged situation in the labour market.¹¹⁰ The HR Committee stated that women were excluded from paid leave, maternity protection and family allowance; and were vulnerable to sexual harassment and forced to work as part-time workers.¹¹¹ CEDAW particularly mentioned the illegal dismissal of women due to pregnancy and childbirth; and absence in the Labour Standards Law of a provision recognizing the principle of equal pay for equal work and work of equal value.¹¹²

56. CEDAW and the HR Committee urged Japan to prioritize the realization of women's de facto equality in the labour market; create enforcement and monitoring mechanisms; and ensure that women had access to redress, including legal aid.¹¹³

57. The HR Committee was concerned that some non-citizens were excluded from the protection of domestic labour legislation and social security.¹¹⁴

G. Right to social security and to an adequate standard of living

58. CRC expressed concern that Japan's poverty increased and was at around 15 per cent of the population and recommended allocating appropriate resources to eradicate child poverty.¹¹⁵

59. In 2011, the Special Rapporteur on water and sanitation commended Japan for its progress in ensuring access to safe water and sanitation for the vast majority of the population. She added that special attention was needed for marginalized or otherwise disadvantaged groups.¹¹⁶ She indicated that in 2010, the homeless population in Japan was

estimated at 13,124 persons, although the number was generally believed to be much higher.¹¹⁷ She recommended that Japan consider nationwide policies, such as those in Tokyo and Osaka, assist people living in poverty; and ensure that all municipalities provide homeless people with access to safe drinking water and sanitation, including through regular maintenance and upkeep of public restrooms.¹¹⁸

H. Right to health

60. CEDAW and CRC were concerned about the increase of sexually transmitted diseases, including HIV/AIDS, among women and adolescents; the high ratio of abortion; and that women undergoing abortion could be punished under the Penal Code. They recommended promoting reproductive and sexual health education for adolescents; and amending the legislation criminalizing abortion.¹¹⁹ The 2011 World Health Organization country profile on Japan, noted that tuberculosis, infectious and difficult-to-treat diseases, such as HIV infection and new types of influenza, are still serious threats to public health.¹²⁰

I. Right to education

61. CEDAW recommended reintegrating gender equality in the Basic Act on Education.¹²¹

62. The HR Committee was concerned that State subsidies for schools teaching in the Korean language were lower than those for ordinary schools, and that diplomas from Korean schools did not automatically qualify students to enter university, urging the Government to address the situation.¹²² CRC made similar recommendations regarding schools for children of Chinese and other origin.¹²³

63. CERD expressed concern about the lack of adequate opportunities for Ainu children or children of other national groups to receive instruction in/or their language and about the fact that the principle of compulsory education was not fully applied to children of foreigners. It recommended ensuring that no child faced obstacles regarding education.¹²⁴ The HR Committee made similar recommendations regarding the instruction in Ainu and Ryukyu/Okinawa languages and the inclusion of the Ryukyu/Okinawa culture and history in the regular curriculum.¹²⁵

64. Japan has incorporated human rights education in their national plans and strategies through “The Basic Plan for Promotion of Human Rights Education and Encouragement”.¹²⁶

J. Persons with disabilities

65. CRC remained concerned about discrimination against children with disabilities. It recommended adopting legislation to fully protect such children; providing community-based services focused on enhancing their quality of life; providing programmes and services; and, equipping schools for the inclusive education of children with disabilities.¹²⁷

66. In 2011, Special Rapporteur on water and sanitation recommended that Japan eliminate discrimination against persons with disabilities, including in the areas of housing and education. She especially called on the Ministry of Education to equip schools with the necessary facilities for the inclusive education of children, including by ensuring their autonomous access to water and sanitation. Furthermore, the Government must do more to

ensure that all persons with disabilities have access to housing that is adapted to their needs, in particular with regard to sanitation and bathing.¹²⁸

K. Minorities and indigenous peoples

67. While congratulating Japan for the recognition of the Ainu people as an indigenous people (2008) and noting the creation of the Council for Ainu Policy (2009),¹²⁹ CERD recommended that Japan increase the participation of Ainu representatives in consultations and translate consultations into policies and programmes with action plans addressing Ainu rights¹³⁰. It also expressed concern about the discrimination suffered by Okinawa people.¹³¹ The HR Committee urged Japan to adopt special measures to protect, preserve and promote the cultural heritage and traditional way of life of Ainu and the Ryukyu/Okinawa people and recognize their land rights.¹³²

68. CERD expressed its concern about the construction of a military base in the Henoko/Oura Bay and of six helipads in Takae, which were condemned by the ethnic groups Ryukyuan/Okinawa and Takae residents, claiming that such constructions would seriously affect the environment of the area, and the enjoyment of their economic, social and cultural rights. It encouraged Japan to engage in wide consultations with Okinawan representatives.¹³³

69. While noting the steps taken to prevent and eliminate discrimination against Burakumin,¹³⁴ CERD recommended that Japan assign a specific government agency to deal with Buraku issues.¹³⁵

70. CEDAW urged appointing minority women representatives to decision-making bodies; and to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women.¹³⁶

71. CRC was concerned that children of Ainu, Korean, Burakumin origin and other minorities experienced social and economic marginalization, and urged Japan to ensure their equal access to all services and assistance.¹³⁷

L. Migrants, refugees and asylum seekers

72. In 2011, the Special Rapporteur on the human rights of migrants was concerned about the detention of irregular migrant and asylum seekers, that there was no time limit for detention, and that if the Government could deport the person for any reason, it could keep the person detained indefinitely.¹³⁸ He recommended that the Immigration Control Act be amended to introduce a maximum period of detention pending deportation and that detention of sick persons, minors or parents of minors be avoided.¹³⁹

73. In 2011, the Special Rapporteur on the human rights of migrants noted challenges in the protection of migrants including problems in the Industrial Trainees and Technical Interns Programme;¹⁴⁰ lack of intervention by the judiciary and the police;¹⁴¹ lack of avenues for regularization of irregular migrants;¹⁴² discrimination in employment¹⁴³ and limited access to housing,¹⁴⁴ to education by migrant children¹⁴⁵ and to health and welfare insurance.¹⁴⁶

74. CERD noted the obstacles faced by women victims of domestic and sexual violence to access complaints mechanisms and protection services and the difficulties posed by the Immigration Control Act (2009) to foreign women suffering domestic violence.¹⁴⁷

75. While noting that a number of Japan's regulations limit the possibility to register the births of children born to parents in certain situations, such as undocumented migrants,

CRC recommended amending the nationality and citizenship laws and regulations to ensure the registration of all children and protect children from de jure statelessness.¹⁴⁸

76. The United Nations High Commissioner for Refugees (UNHCR) noted the progress made in the capacity-building of the refugee status determination personnel, resettlement, alternatives to detention and Government-UNHCR-NGO partnership.¹⁴⁹ It further indicated that improvements are desired on a number of issues.¹⁵⁰

77. UNHCR recommended that Japan expand the use of alternatives to detention through support from the civil society including finding shelters upon release; establish mandatory and independent review and incorporate the “UNHCR Guidelines on Protection and Care of Refugee Children” in its determination process¹⁵¹. CRC expressed concern at the practice of detaining children seeking asylum and lack of a mechanism for the care of unaccompanied asylum-seeking children.¹⁵²

78. On the issue of reception conditions for asylum seekers, UNHCR recommended that Japan consider establishing criteria for lodging repeat applications; introduce a reopening system where asylum seekers with valid reasons may have their file reopened; apply an inclusive interpretation of the refugee definition; empower the Refugee Examination Counsellors with additional refugee status determination (RSD) training, a Secretariat independent from the Immigration Bureau and the authority to manage their own caseload.¹⁵³ CRC recommended expediting the processing of the asylum claims of unaccompanied children under fair and child-sensitive refugee status determination procedures.¹⁵⁴

79. UNHCR recommended that Japan closely monitor public statements to ensure that they do not negatively affect the integration of persons in need of international protection or their enjoyment of rights.¹⁵⁵

80. CERD noted that preferential standards applied to asylum seekers from certain countries and recommended ensuring standardized asylum procedures and equal entitlement to public services.¹⁵⁶

81. The HR Committee noted with concern that the 2006 Immigration Control and Refugee Recognition Act did not prohibit the return of asylum seekers to a country where there was a risk of torture; that there were delays in the refugee recognition process during which applicants were not allowed to work and received only limited social assistance; and that there were reported cases where rejected asylum seekers had been deported before they could submit an objection against the negative decision on their application staying the execution of the deportation order. It recommended that Japan consider amending the Immigration Control and Refugee Recognition Act and establish an independent appeal mechanism.¹⁵⁷

82. UNHCR encouraged Japan to develop a statelessness status determination procedure to ensure the identification and protection of stateless persons. It recommended that Japan consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁵⁸

M. Right to development and environmental issues

83. In 2011, the Special Rapporteur on water and sanitation noted that placing the rights to water and sanitation at the centre of policy formulation for both domestic and international aid policies was crucial to ensure that all people in Japan, as well as those benefiting from its development assistance, have access to sufficient, affordable, accessible, acceptable and safe water and sanitation.¹⁵⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Japan from the previous cycle (A/HRC/WG.6/2/JPN/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

⁴ As at 13 August 2012.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 138 concerning Minimum Age for Admission to

- Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁹ 1954 Convention relating to the Status of Stateless Persons.
- ¹⁰ 1961 Convention on the Reduction of Statelessness.
- ¹¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- ¹² ILO Convention No. 105 concerning the Abolition of Forced Labour.
- ¹³ ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.
- ¹⁴ ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
- ¹⁵ ILO Convention No. 189 concerning decent Work for Domestic Workers.
- ¹⁶ Concluding observations of the Committee on the Rights of the Child (CRC/C/JPN/CO/3), para. 55.
- ¹⁷ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/JPN/CO/1), para. 27.
- ¹⁸ A/HRC/14/32/Add.4, para. 99.
- ¹⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/3-6), paras. 4 and 20.
- ²⁰ *Ibid.*, para. 13.
- ²¹ *Ibid.*, para. 29.
- ²² CRC/C/JPN/CO/3, para. 10.
- ²³ A/HRC/17/33/Add.3, para. 81(a).
- ²⁴ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/6), paras. 19-20.
- ²⁵ A/HRC/18/33/Add.3, para. 69 (a).
- ²⁶ CRC/C/JPN/CO/3, paras. 5, 11 and 12; concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/JPN/CO/1), paras. 7-8.
- ²⁷ CRC/C/JPN/CO/3, para. 38. See also concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/JPN/CO/1), paragraph 17.
- ²⁸ Concluding observations of the Human Rights Committee (CCPR/C/JPN/CO/5), para. 9; CERD/C/JPN/CO/3-6, para. 12; CEDAW/C/JPN/CO/6, para. 24; CRC/C/JPN/CO/3, para. 18; CRC/C/OPSC/JPN/CO/1, paras. 21 and 23.
- ²⁹ A/HRC/18/33/Add.3, para. 69 (c).
- ³⁰ High Commissioner for Human Rights, press release, 14 May 2010.
- ³¹ CEDAW/C/JPN/CO/6, paras. 25-26.
- ³² CRC/C/JPN/CO/3, paras. 39-40. See also paragraphs 41-42.
- ³³ CRC/C/JPN/CO/3, para. 16. See also CRC/C/OPSC/JPN/CO/1, paragraph 10.
- ³⁴ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm#asia>.
- ³⁵ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination; |
| CESCR | Committee on Economic, Social and Cultural Rights; |
| HR Committee | Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CAT | Committee against Torture; |
| CRC | Committee on the Rights of the Child; |
| CED | Committee on Enforced Disappearance. |
- ³⁶ Letter from Mr. Alexei Avtonomov, Chairperson of the Committee on the Elimination of Racial Discrimination, 9 March 2012 (Reference: GH/SP). See also CERD/C/JPN/CO/3-6, paragraph 21.
- ³⁷ CCPR/C/JPN/CO/5, para 34.
- ³⁸ CCPR/C/JPN/CO/5/Add.1.
- ³⁹ CAT/C/JPN/CO/1, para. 31.
- ⁴⁰ CAT/C/JPN/CO/1/Add.1.
- ⁴¹ CEDAW/C/JPN/CO/6, para . 59.

- 42 CEDAW/C/JPN/CO/6/Add.1.
43 CERD/C/JPN/CO/3-6, para. 33.
44 CERD/C/JPN/CO/3-6/Add.1.
45 For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx ..
46 OHCHR Report 2011, p. 86.
47 Ibid., p. 65.
48 High Commissioner for Human Rights, press release, 14 May 2010.
49 OHCHR Report 2010, pp. 79, 83, 85 and 101; OHCHR 2009 Report, pp. 190, 197 and 208; OHCHR 2008 Report, pp. 174, 181 and 195.
50 CEDAW/C/JPN/CO/6, paras. 21-22.
51 Ibid., para. 6.
52 Ibid., paras. 29-30.
53 Ibid., paras. 53-54.
54 CERD/C/JPN/CO/3-6, para. 8.
55 CERD/C/JPN/CO/3-6, para. 9. See also A/HRC/17/33/Add.3, paragraphs 37 and 78(d), 78(d (i)(ii)(iii)).
56 A/HRC/17/33/Add.3, para. 36.
57 CERD/C/JPN/CO/3-6, para. 17.
58 Ibid., para. 13.
59 Ibid., para. 14.
60 CRC/C/JPN/CO/3, paras. 33-34.
61 CCPR/C/JPN/CO/5, para. 29.
62 CCPR/C/JPN/CO/5, para. 16. See also paragraph 21.
63 High Commissioner for Human Rights, press release, 14 May 2010.
64 A/65/PV.71, pp. 18-19, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/704/69/PDF/N1070469.pdf?OpenElement>). See also GA/SHC/3996 at <http://www.un.org/News/Press/docs/2010/gashc3996.doc.htm>.
65 CCPR/C/JPN/CO/5, para. 17. See also paragraph 16.
66 CCPR/C/JPN/CO/5, paras. 18-19.
67 Ibid., para. 21.
68 Ibid., para. 20.
69 Ibid., para. 4.
70 Ibid., para. 15.
71 CEDAW/C/JPN/CO/6, para. 31.
72 Ibid., para. 32.
73 CCPR/C/JPN/CO/5, para. 14. See also CEDAW/C/JPN/CO/6, paragraphs. 33-34.
74 CRC/C/JPN/CO/3, paras. 35-36.
75 CCPR/C/JPN/CO/5, para. 27.
76 CRC/C/JPN/CO/3, paras. 81-82; CRC/C/OPSC/JPN/CO/1, paras. 4, 26, 27, 29, 35, 37 and 41.
77 CRC/C/JPN/CO/3, paras. 47-48.
78 Ibid., para. 49.
79 CRC/C/OPSC/JPN/CO/1, paras. 7, 30 and 31.
80 A/HRC/14/32/Add.4, para. 16.
81 Ibid., para. 103.
82 CRC/C/OPAC/JPN/CO/1, paras. 12-13.
83 CEDAW/C/JPN/CO/6, para. 39; CCPR/C/JPN/CO/5, para. 23.
84 CEDAW/C/JPN/CO/6, para. 40; CCPR/C/JPN/CO/5, para. 23.
85 CRC/C/JPN/CO/3, paras. 79-80. See also paragraphs. 5 and 6; CRC/C/OPSC/JPN/CO/1, para. 4.
86 A/HRC/14/32/Add.4, para. 12.
87 Ibid., para 100.
88 Ibid., para 111.
89 A/HRC/14/32/Add.4, para 37.
90 Ibid., para 116.
91 CCPR/C/JPN/CO/5, para. 22.
92 CEDAW/C/JPN/CO/6, para. 38.

- ⁹³ High Commissioner for Human Rights, press release, 14 May 2010.
- ⁹⁴ CRC/C/JPN/CO/3, paras. 83-85. See also paragraph 11.
- ⁹⁵ CEDAW/C/JPN/CO/6, paras. 33-34. See also CCPR/C/JPN/CO/5, paragraph 14.
- ⁹⁶ CCPR/C/JPN/CO/5, para. 14.
- ⁹⁷ CRC/C/OPSC/JPN/CO/1, paras. 38-39.
- ⁹⁸ A/HRC/17/33/Add.3, para. 78(e).
- ⁹⁹ CCPR/C/JPN/CO/5, para. 28.
- ¹⁰⁰ CEDAW/C/JPN/CO/6, paras. 17-18; CRC/C/JPN/CO/3, paras. 33-34.
- ¹⁰¹ CERD/C/JPN/CO/3-6, para. 18.
- ¹⁰² CEDAW/C/JPN/CO/6, paras. 47-48. See also CRC/C/JPN/CO/3, paragraph 51.
- ¹⁰³ CRC/C/JPN/CO/3, paras. 52-53.
- ¹⁰⁴ *Ibid.*, para. 55.
- ¹⁰⁵ CEDAW/C/JPN/CO/6, para. 18; CCPR/C/JPN/CO/5, para. 11.
- ¹⁰⁶ CCPR/C/JPN/CO/5, para. 26.
- ¹⁰⁷ CCPR/C/JPN/CO/5, para. 12; CEDAW/C/JPN/CO/6, para. 41..
- ¹⁰⁸ CCPR/C/JPN/CO/5, para. 12; CEDAW/C/JPN/CO/6, para. 42.
- ¹⁰⁹ CEDAW/C/JPN/CO/6, para. 42.
- ¹¹⁰ *Ibid.*, para. 45.
- ¹¹¹ CCPR/C/JPN/CO/5, para. 13. See also CEDAW/C/JPN/CO/6, paragraph 45.
- ¹¹² CEDAW/C/JPN/CO/6, para. 45.
- ¹¹³ CEDAW/C/JPN/CO/6, para. 46; CCPR/C/JPN/CO/5, para. 13.
- ¹¹⁴ CCPR/C/JPN/CO/5, para. 24.
- ¹¹⁵ CRC/C/JPN/CO/3, paras. 19, 66 and 67. See also paragraph 20.
- ¹¹⁶ A/HRC/18/33/Add.3, para. 69.
- ¹¹⁷ *Ibid.*, para. 33.
- ¹¹⁸ *Ibid.*, para. 69 (g)(h).
- ¹¹⁹ CEDAW/C/JPN/CO/6, paras. 49-50; CRC/C/JPN/CO/3, paras. 64-65.
- ¹²⁰ WHO, 2011 Country Profile on Japan, available at http://www.wpro.who.int/countries/jpn/11JPNpro2011_finaldraft.pdf.
- ¹²¹ CEDAW/C/JPN/CO/6, paras. 43-44.
- ¹²² CCPR/C/JPN/CO/5, para. 31. See also CERD/C/JPN/CO/3-6, paragraph 22.
- ¹²³ CRC/C/JPN/CO/3, paras. 72-73.
- ¹²⁴ CERD/C/JPN/CO/3-6, para. 22.
- ¹²⁵ CCPR/C/JPN/CO/5, para. 32. See also CERD/C/JPN/CO/3-6, paragraph 25.
- ¹²⁶ See the response from the Permanent Mission of Japan to the World Programme evaluation questionnaire dated 29 March 2010 and available at http://www2.ohchr.org/english/issues/education/training/docs/replies/JAPAN_eval29March2010.pdf.
- ¹²⁷ CRC/C/JPN/CO/3, paras. 58-59.
- ¹²⁸ A/HRC/18/33/Add.3, para. 69 (j).
- ¹²⁹ CERD/C/JPN/CO/3-6, paras. 5 and 20.
- ¹³⁰ *Ibid.*, para. 20.
- ¹³¹ *Ibid.*, para. 21.
- ¹³² CCPR/C/JPN/CO/5, para. 32.
- ¹³³ Letter from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Mission of Japan in Geneva, 9 March 2012 (available at http://www2.ohchr.org/english/bodies/cerd/docs/CERD_Japan.pdf); CERD/C/JPN/CO/3-6, para. 21.
- ¹³⁴ CERD/C/JPN/CO/3-6, para. 8.
- ¹³⁵ *Ibid.*, para. 19.
- ¹³⁶ CEDAW/C/JPN/CO/6, paras. 51-52.
- ¹³⁷ CRC/C/JPN/CO/3, paras. 86-87.
- ¹³⁸ A/HRC/17/33/Add.3, para. 50.
- ¹³⁹ *Ibid.*, para. 82(a).
- ¹⁴⁰ *Ibid.*, paras. 38-41.
- ¹⁴¹ *Ibid.*, paras. 42-43.
- ¹⁴² *Ibid.*, paras. 45-48.
- ¹⁴³ *Ibid.*, paras. 70-73.

- ¹⁴⁴ Ibid., paras. 44.
¹⁴⁵ Ibid., paras. 62-69.
¹⁴⁶ Ibid., paras. 74.
¹⁴⁷ CERD/C/JPN/CO/3-6, para. 17. See also CEDAW/C/JPN/CO/6, paragraph 31.
¹⁴⁸ CRC/C/JPN/CO/3, paras. 45-46.
¹⁴⁹ UNHCR submission to the UPR on Japan, p.1.
¹⁵⁰ Ibid., pp. 1-7.
¹⁵¹ Ibid., p.4.
¹⁵² CRC/C/JPN/CO/3, paras. 77-78.
¹⁵³ UNHCR submission to the UPR on Japan, p.6.
¹⁵⁴ CRC/C/JPN/CO/3, paras. 77-78.
¹⁵⁵ UNHCR submission to the UPR on Japan, p.6.
¹⁵⁶ CERD/C/JPN/CO/3-6, para. 23. See also paragraph 3.
¹⁵⁷ CCPR/C/JPN/CO/5, para. 25.
¹⁵⁸ UNHCR submission to the UPR on Japan, p.6.
¹⁵⁹ A/HRC/18/33/Add.3, para. 69 (d).
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