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

Addendum

Replies of Japan to the list of issues*

[Date received: 6 March 2014]

Question 1

1. Article 98, paragraph (2) of the Constitution of Japan provides that "[t]he treaties concluded by Japan and established laws of nations shall be faithfully observed." Treaties concluded and promulgated by Japan have legal effect as domestic laws. The Constitution of Japan has no provisions concerning the relationship between treaties concluded by Japan and statutes, but treaties are considered to have precedence over statutes.

2. It is generally understood that whether provisions of the Covenant or other treaties may be directly applied should be judged on a case-by-case basis, in light of the objectives, details and wording of the relevant provisions. Japan makes it a rule to ensure consistency with domestic laws when concluding treaties; therefore, the aim of the Covenant has already been reflected in the provisions of domestic statutes, and the relevant provisions of domestic statutes are applied in many cases. The following are concrete examples of cases in which (1) parties made assertions based on the provisions of the Covenant or other treaties and the court issued a judgment on whether domestic statutes, regulations or dispositions do not conform with said provisions, or (2) the court referred to provisions of the Covenant in relation to the application of domestic statutes.

* The present document is being issued without formal editing.

Decision of the Grand Bench of the Supreme Court on September 4, 2013

3. In this case, the court made a decision to the effect that the provision of the (Former) Civil Code, which provided that the share in inheritance of a child born out of wedlock shall be one half of the share in inheritance of a child born in wedlock, is in violation of the Constitution of Japan. In the decision, the suggestions given by the Human Rights Committee and the Committee on the Rights of the Child were taken into consideration. As a result, the Civil Code was revised in December 2013 to make the share in inheritance of a child born out of wedlock equal to that of a child born in wedlock.

Judgment of the Grand Bench of the Supreme Court on June 4, 2008

4. In this case, the court ruled that Article 3, paragraph (1) of the (Former) Nationality Act, which provides that with regard to a child born between a father who is a Japanese citizen and a mother who is not and who is acknowledged by the father after birth, Japanese nationality shall be granted only where the child has acquired the status of a child born in wedlock as a result of the marriage of the parents, is unreasonable and against the Constitution. The majority opinion of the court referred to the fact that the Covenant and the Convention on the Rights of the Child have provisions to the effect that every child shall be protected from any discrimination as to birth. On that basis, the majority opinion of the court also referred to the fact that it has already become difficult to discern a reasonable relation between the distinction in this matter and the legislative purpose, considering changes in Japanese domestic and international social surroundings. Additionally, an attached concurring opinion states that Japanese nationality should be granted by applying the part of the provisions of Article 3, paragraph (1) of the Nationality Act that remains after excluding the portion relating to “the marriage of the parents”, and that such application complies with the aim of Article 24, paragraph (3) of the Covenant, which provides that every child has the right to acquire a nationality and Article 7, paragraph (1) of the Convention on the Rights of the Child. This is an example in which as in the decision of the Grand Bench of the Supreme Court on September 4, 2013, taking into consideration the provisions of human rights treaties led to a conclusion that the legislation was in violation of Article 14 of the Constitution of Japan.

Judgment of the Second Petty Bench of the Supreme Court on January 28, 2008

5. In this case, the court ruled that the provisions of the Public Offices Election Act that prohibit pre-election campaigning and house-to-house canvassing do not violate Article 19 of the Covenant that guarantees freedom of expression and Article 25 of the Covenant that guarantees suffrage.

Question 2

6. The Human Rights Commission Bill to establish a new human rights institution was submitted to the 181st Diet session (extraordinary Diet session) on November 9, 2012, but was scrapped due to the dissolution of the House of Representatives on the 16th of the same month.

7. Appropriate consideration as to what the human rights remedy system ought to be is being underway, with a review of various discussions made so far.

Question 3

8. The Government of Japan considers the individual communications procedure to be noteworthy in that it effectively guarantees the implementation of human rights treaties.

With regard to the acceptance of the procedure, the Government of Japan is aware that there are various issues to consider including whether it poses any problems in relation to Japan's judicial system or legislative policy, and what possible organizational frameworks are required to implement the procedure in the event that Japan is to accept it.

9. Japan continues to seriously consider whether or not to accept the procedure, taking into account opinions from various quarters.

Question 4

10. Article 14, paragraph (1) of the Constitution of Japan provides that "[a]ll of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin." Thus, unreasonable discrimination is prohibited in Japan.

11. Based on the principle of equality under the law generally provided in Article 14, paragraph (1) of the Constitution of Japan, laws and regulations in Japan relating to highly public fields that are closely linked to people's lives, such as employment, education, medical services and transportation, contain provisions to broadly prohibit discriminatory treatment. Furthermore, in other fields, relevant ministries and agencies have been making every effort to eliminate discrimination through guidance and awareness-raising activities.

12. Article 3 of the Basic Act for Gender-Equal Society provides that a gender-equal society must be created so as to prevent any discriminatory treatment due to gender. The Act provides that it is necessary to ensure that no one is treated in a discriminatory manner, focusing attention on the side of a person subjected to the relevant act irrespective of intent.

13. Article 4 of the Labour Standards Act provides that "[a]n employer shall not engage in discriminatory treatment of a woman as compared with a man with respect to wages by reason of the worker being a woman," and Article 119 of the said Act specifies penalties for such violations.

14. Articles 5 and 6 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment prohibit any discriminatory treatment due to gender throughout all stages from recruitment and employment to retirement. With regard to violations of the said Articles, the Ministry of Health, Labour and Welfare provides advice and guidance.

15. The following is a specific example of a case regarding employment in which differences in wages due to gender were found to be discriminatory:

Outline of the case

16. Defendant company Y (a general trading company) recruited and employed male workers and female workers separately as a matter of course as employees of different statuses and qualifications and applied different wage systems accordingly.

17. Under these wage systems, as most of the male workers were general staff and all female workers were clerical staff, there were wage differences between male workers and female workers. Plaintiff X and other plaintiffs demanded payment of the differences, etc., asserting that such wage differences represented illegal gender discrimination.

Outline of the decision of the Third Petty Bench of the Supreme Court on October 20, 2009

18. The company had adopted an employment management system as a matter of course that employs male workers as general staff and female workers as clerical staff, but female

workers who were in service for a long period of time and had acquired specialist knowledge sometimes assumed the same duties as male general staff.

19. Therefore, reasonable grounds could not be found for the fact that there was a considerable difference in wages between a veteran female worker who assumes the same duties as general staff and even a male worker of around the age of 30 whose duties are assumed to be equal to those of said female worker in terms of the content and difficulty. Such wage differences were assumed to be caused due to gender and wage differences between male general staff and female clerical staff in violation of Article 4 of the Labour Standards Act. Based on this holding, the court upheld the claim for damages.

20. With regard to education, Article 4 of the Basic Act on Education provides that citizens shall all be given equal opportunities to receive education according to their abilities, and shall not be subject to discrimination in education on account of race or sex etc.

21. With regard to medical services, the Medical Practitioners' Act, the Dental Practitioners Act, the Pharmacists Act, etc. provide that requests for medical care or prescriptions must not be rejected without justifiable grounds.

22. Regarding transportation, the Civil Aeronautics Act and the Railway Business Act, etc. provide that unjust discriminatory treatment may be prohibited or corrected.

23. The following are some examples of relevant recent court cases, the types of penalties imposed and the compensation awarded to the victims concerning alleged discrimination on the grounds of social status:

Decision of the Grand Bench of the Supreme Court on September 4, 2013

24. In this case, the court made a decision to the effect that the provision of the (Former) Civil Code, which provided that the share in inheritance of a child born out of wedlock shall be one half of the share in inheritance of a child born in wedlock, is in violation of the Constitution of Japan. In response to this decision, the Civil Code was revised to take such measures as to make the share in inheritance of a child born out of wedlock equal to that of a child born in wedlock.

Judgment of the Grand Bench of the Supreme Court on June 4, 2008

25. In this case, the court ruled that Article 3, paragraph (1) of the (Former) Nationality Act, which provides that with regard to a child born between a father who is a Japanese citizen and a mother who is non-Japanese and who has been acknowledged as his child by the father after birth, Japanese nationality shall be granted only if the child has acquired the status of a child born in wedlock as a result of the marriage of the parents, is unreasonable and against the Constitution. The majority opinion of the court referred to the fact that the Covenant and the Convention on the Rights of the Child have provisions to the effect that every child shall be protected from any discrimination as to birth. On that basis, the majority opinion of the court also referred to the fact that it has become difficult to discern a reasonable relation between the distinctions in this matter and legislative purpose, considering changes in Japanese domestic and international social surroundings.

26. In the case where a tortious act is found with regard to discrimination by a private individual, said individual is held liable for the damage (Article 709 of the Civil Code, etc.), and when the act falls under a juristic act offensive to public order and morals, the act is invalidated under Article 90 of the Civil Code.

Question 5

27. Whether or not to revise the Civil Code and Family Register Act to shorten the period of prohibition for remarriage for women and to harmonize the minimum age of marriage for women and men is a significant issue that may affect the basic concept of the institution of marriage and that of family. Therefore, these Acts should be revised after obtaining consensus among the public. However, there are still varying opinions on this matter and it is too early to make such a revision.

28. The Ministry of Justice has been carrying out PR activities on its website on the significance of a system that would allow the option of separate surnames for married couples in order to deepen discussions among the public. Furthermore, reference materials concerning the outline for proposed amendments to the Civil Code recommended by the Legislative Council of the Ministry of Justice in 1996 (which contains the harmonization of the minimum age of marriage for women and men, introduction of a system allowing the option for separate surnames for married couples, equalization of the shares of inheritance for a child born out of wedlock and a child born in wedlock, and shortening of the period of prohibition for remarriage for women, etc.), and the drafted Act to Partially Revise the Civil Code and Family Register Act compiled based thereon are continuously made available on the ministry's Website.

Question 6

Question 6 (a)

29. In the political field, the Third Basic Plan for Gender Equality set up a target to increase the percentage of female candidates for the House of Representatives and the House of Councillors to 30% by 2020.

30. In order to achieve this target, since 2011, the Minister of State for Gender Equality has requested each political party to consider introducing positive actions to increase the percentage of female candidates for the House of Representatives and the House of Councillors.

31. The Specialist Committee on Basic Issues and Gender Impact Assessment and Evaluation, Council for Gender Equality, publicized a report in February 2012 which compiles concrete examples in foreign countries concerning positive actions to expand female participation in the political arena. The report is provided to political parties, upon requesting cooperation from them, as reference materials for discussions on their initiatives.

32. In the public service field, the Third Basic Plan for Gender Equality set up targets to increase the percentage of female recruits from persons who passed the Exam for the National Public Service to around 30%, and to raise the percentage of female government officers whose positions are equivalent to or higher than director level in central government ministries and agencies to around 5% by the end of FY2015.

33. Based on the "Guidelines concerning Enlargement of Appointments and Promotion of Female National Public Employees" that the National Personnel Authority revised in January 2011, each ministry and agency has established its own "Plan for Enlargement of Appointments and Promotion of Female Employees", which specifies targets concerning appointments and promotion of female officials up to FY2015 and concrete initiatives for achieving these targets, and has been promoting its efforts.

34. Furthermore, in February and October 2013, January 2014, the Minister of State for Gender Equality reported the current percentages of female officials in each ministry, and

requested each minister to further promote the recruitment and promotion of female national public officers.

Question 6 (b)

35. In addition to the measures mentioned in (a) above, the Human Rights Organs of the Ministry of Justice conduct promotion activities nationwide throughout the year, under the slogan "Protect Women's Rights" as one of the annual priority matters of promotion activities, by holding lectures and discussion meetings on human rights issues involving women, disseminating information using TV, radio, newspapers, magazines, etc., distributing instructional materials, and organizing various events.

36. Additionally, with the aim of eliminating prejudice and discrimination against minorities, various promotion activities are carried out nationwide throughout the year, under the slogans "Eliminate Prejudice and Discrimination in Relation to *Dowa* Issues," "Improve Understanding of the Ainu People," and "Respect for Foreign National's Rights" as the annual priority matters of promotion activities.

Question 6 (c)

37. As an initiative to facilitate gender equality through public procurement, the national government highly evaluates companies that are actively making efforts for gender equality when it selects entities to outsource projects, such as surveys concerning gender equality and work-life balance, via a comprehensive evaluation bidding method.

38. In FY2012, entities' efforts for gender equality were included in the evaluation items for 17 projects (total amount of contracts: approximately 287 million yen).

39. Among local governments, 66% of the prefectures and 45% of the government-ordinance-designated cities set items relating to the promotion of gender equality in the examination of eligibility to participate in bidding for public works.

40. The Cabinet Office has long requested ministries and agencies, as well as local governments, to promote their efforts for gender equality through public procurement, and decided to further expand such initiatives to also include independent administrative agencies as targets from which to ask for cooperation from this year.

41. The "Guidelines on the Improvement Measures of Wage and Employment Management to Eliminate Wage Disparity between Men and Women" compiled in 2010 presents the perspectives of (i) reviewing the institution of the wage and employment management system, (ii) reviewing the operations of the wage and employment management system, and (iii) reviewing the wage and employment management system through the promotion of positive actions. Efforts have been made to disseminate the guidelines and raise people's awareness.

42. The wage disparity between women and men has been diminishing steadily, from 65.9 in 2006, 67.8 in 2008 and 69.3 in 2010 to 70.9 in 2012 (figures are the percentages of fixed wages for female general workers when assuming those for male general workers to be 100).

Question 6 (d)

43. With regard to sexual harassment cases, preventive measures are far more important than *ex post facto* remedies through a lawsuit. Therefore, the Act on Securing, Etc. Equal Opportunity and Treatment between Men and Women in Employment requires employers

to establish necessary measures in terms of employment management to give advice to workers and cope with problems of workers, and take other necessary measures for the purpose of preventing sexual harassment.

44. Sexual harassment in the workplace could constitute forcible indecency and other crimes. In such an event, it will be investigated and punished in a manner appropriate to the individual case.

Question 6 (e)

45. Article 9 of the Act on Securing, Etc. Equal Opportunity and Treatment between Men and Women in Employment prohibits dismissal or any other disadvantageous treatment by reason of pregnancy, childbirth, etc.

46. In FY2012, the number of consultations concerning disadvantageous treatment by reason of pregnancy, childbirth, etc. received at the Equal Employment Office was 3,186. The number of cases seeking assistance for dispute settlement received by labour bureau directors was 232, and the number of cases in which the Equal Employment Office provided correction guidance was 19.

Question 6 (f)

47. Regarding female participation in the political arena, the number of female members was 78 among the 722 Diet members as of November 2013 (10.8%) (39 of the 480 House of Representatives members (8.1%), and 39 of the 242 House of Councillors members (16.1%)). As of November 2013, female members have assumed positions as chairpersons of standing committees in both Houses and chairpersons of special committees in the House of Councillors.

48. The percentage of female recruits among persons who passed the Exam for the National Public Service was 26.8% as of April 2013, while the percentage of female government officers whose positions are equivalent to or higher than director level in the central government ministries and agencies was 3.0% as of October 2013.

Question 7

Awareness-raising campaigns

49. The Human Rights Organs of the Ministry of Justice conduct promotion activities on human rights problems of women, under the slogan “Protect Women’s Rights,” as one of the annual priority matters of promotion activities, and also carry out various promotion activities nationwide throughout the year, with the aim of eliminating prejudice and discrimination against minorities, under the slogans “Eliminate Prejudice and Discrimination in Relation to *Dowa* Issues,” Improve Understanding of Ainu People,” and “Respect for Foreign National’s Rights” as annual priority matters of promotion activities.

50. Furthermore, the Human Rights Organs of the Ministry of Justice dispatch lecturers to speak about human rights at various training sessions held at ministries and agencies, as well as at various bureaus and departments, and also organize a “Workshop on Human Rights for National Public Officers”, targeting officials of central government ministries, twice every year. Promotion activities on human rights issues are thus being carried out.

Training

51. Police officers: The police provide specialist training for officials in charge of spousal violence cases, and also provide all officials with guidance on how to deal with these types of cases.

52. Judges: The Legal Training and Research Institute, which is in charge of the training of judges, provides various types of training for judges who are newly appointed or are assigned new duties or posts, under which the institute invites professors of graduate schools specializing in human rights issues and officials of organizations engaged in human rights protection activities to deliver lectures on the human rights of women and children. Furthermore, the institute also holds workshops for judges and assistant judges in charge of domestic violence cases to provide them with lectures by experts for deepening their understanding of the actual conditions of domestic violence and organizes programs to visit victim support organizations. Through such training sessions, the institute has been working to enhance the understanding and awareness of judges concerning problems relating to domestic violence, etc.

53. Public prosecutors: In various types of training for public prosecutors provided depending on their years of service, lectures concerning the significance of the Act on the Prevention of Spousal Violence and the Protection of Victims and required consideration to female victims, etc. are provided.

Practical steps

54. In June 2013, the Act on the Prevention of Spousal Violence and the Protection of Victims was revised to additionally cover any violence from a partner who shares the main home (except partners who are not in a state which is similar to the state of marriage). The revised Act came into effect in January 2014.

55. Every year, the period from November 12 to 25 (the UN's International Day for the Elimination of Violence against Women) is designated as the campaign period for Elimination of All Forms of Violence against Women, during which awareness-raising activities and other initiatives for eliminating violence against women are further strengthened in collaboration and cooperation among the national and local governments and women's groups and other related bodies.

56. Training targeting counselors engaged in victim support services is organized to promote collaboration among public organs, as well as between the public and the private sectors, and to develop a better consulting system.

57. Training concerning support for victims of domestic violence is provided to staff of women's consulting offices and subsidies are granted for part of the expenses for specialist training by prefectures for staff of women's consulting offices.

58. Staffs in charge of psychotherapy are stationed at women's consulting offices (temporary shelters) to provide psychological counseling to female victims of domestic violence.

Report system

59. The police are working to develop a system under which female police officers receive reports of cases from female victims. In addition to the emergency number 110 through which they receive reports of crimes in general, they have installed phones exclusively used for consultations on sexual crimes ("Dial 110, for Sexual Crime Victims") and established consulting offices, in every police headquarters.

60. When there is an emergency call or consultation concerning spousal violence and when the case violates criminal laws and regulations, the police make arrests or take other

measures, while giving due consideration to the victim's wishes. Even where it is found difficult to pursue criminal charges, the police instruct the victims on how to protect themselves, such as providing them with guidance on crime prevention and introducing them to relevant organizations. If it is deemed necessary, the police issue warnings to the offender.

Improvement of access to complaint mechanisms and rehabilitation for victims

61. The Japan Legal Support Center (*Ho-Terasu*) is properly involved in criminal procedures for damages to ensure that crime victims receive necessary support, and provides information on legal systems for recovering or mitigating damages or suffering or on counseling services provided through relevant organizations and bodies that offer support for crime victims. Additionally, the center can introduce lawyers well versed in crime victim support, depending on the individual circumstances.

62. Furthermore, the Human Rights Organs of the Ministry of Justice provide consultation on human rights issues, including incidents of violence against women, and immediately start to investigate when human rights violations are suspected and to take appropriate measures depending on the case.

63. The number of human rights infringement cases and human rights counseling concerning violence and abuse against women in recent years are as follows.

	2008	*2009*	*2010*	*2011*	*2012*
Number of human rights infringement cases	3,152	3,082	2,845	2,973	2,832
Number of human rights counseling cases	7,872	6,944	6,317	6,682	6,511

Treating rape as a criminal offence subject to ex officio prosecution

64. While Japan treats rape as a criminal offence subject to prosecution upon complaint from the perspective of protecting victims' honor and privacy, the Third Basic Plan for Gender Equality, which was adopted by the Cabinet in December 2010, stipulates that penal provisions for sexual crimes should be reviewed, including a change in treatment of rape as a criminal offence subject to *ex officio* prosecution, by the end of March 2016. The Government of Japan is conducting necessary examinations such as surveying the legal systems concerning sexual crimes in foreign countries and recent tendencies in punishment in Japan.

Information provision

(a) The number of reports received;

(b) Investigations carried out

65. The numbers of cases reported to the police and cases cleared by the police concerning rape and forcible indecency, sorted by gender, age and nationality of victims over the last five years are as follows (including attempts).

		2008	*2009*	*2010*	*2011*	*2012*
Number of cases reported to the police		8,693	8,090	8,316	8,055	8,503
Victim's gender	Men	183	111	161	161	176
	Women	8,510	7,979	8,155	7,894	8,327

		2008	*2009*	*2010*	*2011*	*2012*
Victim's age	Under age 10	563	577	652	611	602
	Age 10-19	3,823	3,534	3,655	3,513	3,754
	In twenties	3,210	3,010	3,057	2,908	3,104
	In thirties	758	668	629	664	655
	In forties	219	193	208	244	246
	In fifties	73	71	64	58	84
	In sixties	31	27	27	25	39
	Over age 70	16	10	24	32	19
Victim's nationality	Japanese	8,596	8,011	8,214	7,959	8,384
	South/North Korean	22	18	23	19	22
	Chinese	29	25	41	32	45
	Filipino	19	9	13	18	10
	Others	27	27	25	27	42
Number of cases cleared by the police		4,881	4,726	4,700	4,543	5,043

66. Responses by the police to spousal violence cases are as follows. The nationality and ethnicity of victims are not known.

		2008	*2009*	*2010*	*2011*	*2012*
Number of reported spousal violence cases		25,210	28,158	33,852	34,329	43,950
Victim's gender	Men	402	520	796	1,146	2,372
	Women	24,808	27,638	33,056	33,183	41,578
Victim's age	In teens	335	370	457	453	655
	In twenties	5,354	5,668	7,035	7,069	9,019
	In thirties	9,133	10,022	11,670	11,539	14,383
	In forties	5,567	6,661	8,095	8,364	10,999
	In fifties	2,518	2,666	3,210	3,184	3,990
	In sixties	1,573	1,860	2,275	2,392	3,008
	Over age 70	709	896	1,090	1,310	1,871
	Age unknown	21	15	20	18	25
Reponses based on the Act on the Prevention of Spousal Violence and the Protection of Victims	Assistance by the chief of police, etc.	7,225	8,730	9,748	10,290	13,059
	Number of cases cleared for violation of protective orders	76	92	86	72	121
Cases cleared under other laws and regulations		1,650	1,658	2,346	2,424	4,103

(c) The types of penalties imposed

67. The number of convictions for rape or other sexual violence cases is not ascertained by gender, age, nationality and ethnicity of the victims.

(d) Compensation awarded to the victims

68. In order to reduce financial burdens on victims of sexual crimes, the police provide assistance for the cost of the first consultation and doctor's certificate, and the expenses required for emergency contraception, etc.

Question 8

69. The Act on Special Cases Involving the Handling of Gender for People with Gender Identity Disorder was enacted with the aim of reducing the social disadvantages of people with gender identity disorders and was put into force in July 2004. However, from the perspective of preventing confusion in parental relationships and considering children's welfare, the initial provisions stipulated as a requirement for permitting a change of legal gender that "the relevant person has no children at present."

70. However, it was considered that the influence on parental relationships and children's welfare would not so strongly require special consideration in cases in which children have already come of age, and a revision in 2008 eased said requirements to "the relevant person has no underage children at present."

71. The Human Rights Organs of the Ministry of Justice conduct various promotion activities, such as distributing promotion leaflets, nationwide throughout the year, under the slogans "Eliminate Discrimination on the Grounds of Sexual Orientation" and "Eliminate Discrimination on the Grounds of Gender Identity Disorder" as the annual priority matters of promotion activities. Also, when concrete human rights infringements are reported, they start to investigate and to take appropriate measures depending on the cases.

72. As explained in the Sixth Periodic Report of the Government of Japan, the Publicly-Operated Housing Act was revised by the Act on Development of Related Acts for Promoting Reform for Enhancing Regional Autonomy and Independence (enforced on April 1, 2012) and the requirement that lodgers be related was removed. Therefore, same-sex couples are no longer excluded from the publicly-operated housing system under the law.

73. Each local government has the discretion to decide who is accepted in publicly-operated housing, including same-sex couples.

Question 9

74. At present, Japan's pension system applies to all people who satisfy certain requirements, irrespective of nationality. Differences in treatment by nationality in the pension system have already been removed sequentially, though there were previously such differences.

75. Specifically, since 1946, the Employees' Pension Insurance has covered all people in regular employment at covered business establishments, irrespective of nationality.

76. Also, since 1982, the National Pension has covered all people who reside in Japan, irrespective of nationality.

77. The revision of the pension system in April 1986 introduced the transitional measures for foreign nationals under the age of 60 at that time. The transitional measures require that the period during which they were not covered by the National Pension system due to nationality requirements (from April 1, 1961 to December 31, 1981) should be taken into account in granting them the National Pension benefits, provided that they obtain permission for permanent residence.

78. In addition, another revision of the pension system in August 2012 schedules shortening of the period for acquiring eligibility for pension benefits to ten years from October 2015.

Question 10

79. The Human Rights Organs of the Ministry of Justice conduct various promotion activities, such as distributing promotion leaflets, nationwide throughout the year, under the slogans "Respect for Foreign Nationals' Rights" "Eliminate Discrimination on the Grounds of Sexual Orientation," "Eliminate Discrimination on the Grounds of Identity Disorder," and "Eliminate Prejudice and Discrimination in Relation to *Dowa* Issues." Also, when concrete human rights infringements are reported, the Organs start to investigate and to take appropriate measures depending on the cases.

80. In light of the fact that xenophobic speech often appeared openly in recent years, it is planned to take up issues of foreign national's rights more frequently at various training sessions. Also, the Organs will conduct more effective promotion activities such as posting banner advertisements, producing and distributing posters and leaflets.

81. As efforts not limited to addressing problems concerning the *Burakumin* or the designation of businesses as for "Japanese Only," the Ministry of Health, Labour and Welfare (MHLW) instructs employers to (i) offer job opportunities to a wide range of candidates and (ii) evaluate applicants fairly based on their aptitude and ability in selection and recruitment, from the viewpoint of fostering respect for applicants' fundamental human rights and preventing discrimination in employment.

82. Concrete efforts for awareness raising are as follows:

(i) The MHLW has issued a written request to 104 economic and business associations, including the Japan Business Federation and the Japan Commercial Broadcasters Association, asking them to provide proper guidance to their affiliated companies to ensure fair selection and recruitment.

(ii) The MHLW prepares various instructional materials, such as guidebooks, posters and calendars, to encourage fair selection and recruitment and delivers them to business establishments.

(iii) The MHLW carries out awareness-raising activities using newspapers and other media during the period when companies recruit graduates from junior high schools, high schools or universities.

(iv) The MHLW suggests that business establishments above a certain size appoint leaders who play a central role in ensuring a fair selection and recruitment system in their business establishments. Prefectural Labour Bureaus and Public Employment Security Offices hold training sessions for those leaders.

(v) The MHLW holds training sessions for company executive officers who have authority over selection and recruitment of employees.

83. The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has long considered it very significant to promote education to enhance awareness of human rights and has promoted human rights education, based on the spirit of the Constitution of Japan and the Basic Act on Education, at schools and community centers, in line with regional circumstances.

84. Furthermore, since FY2013, MEXT has allocated approximately 200 million yen to the "Program to Support Social Education Activities Centering on Community Centers" to

offer support for innovative regional efforts to solve modern problems, including human rights issues, mainly at community centers and other social education facilities.

85. Regarding school education, in response to the enactment of the Act on Promotion of Education and Awareness Raising on Human Rights in 2000, and a Cabinet decision, the Basic Plan on Education and Awareness Raising on Human Rights, in 2002, MEXT set up the Study Meeting on Teaching Methods for Human Rights Education in 2003. After deliberations for nearly five years, the meeting publicized the "Teaching Methods for Human Rights Education (the third report)" in 2008.

86. The "Teaching Methods for Human Rights Education (the third report)" presents the basic concept for improving and enhancing human rights education in schools and provides theoretical guidelines for improving and enhancing teaching methods for this purpose. Based on the contents of the report, MEXT has been endeavoring to disseminate the purpose of the enacted Act, the Basic Plan and the report at meetings with human rights education staff of each prefecture, and has also been promoting human rights education at schools by carrying out research on teaching methods and model programs.

87. MEXT will continue its efforts to ensure that schools provide education to cultivate students' awareness, willingness and attitudes to protect their own and other people's human rights, based on a proper understanding and sense of human rights, and to foster their practical capability and ability to take real action to express such willingness and attitudes.

Question 11

Comment on the first sentence of question 11

88. Regarding hospitalization on an involuntary basis, procedures at the time of admission and examinations thereafter are strictly defined under the law. Efforts have also been made to promote the release of persons with mental disabilities who have been hospitalized on an involuntary basis, and to improve welfare services for persons with disabilities that they receive after leaving the hospital.

89. The Act provides as follows: When hospitalizing a person with mental disabilities, the manager of a mental disease hospital must endeavor to hospitalize him/her on a voluntary basis (Article 22-3), and when a person hospitalized on a voluntary basis (voluntary hospitalization) requests a discharge after admission, the manager must release the person (Article 22-4, paragraph (2)).

90. Some patients in psychiatric hospitals are hospitalized on an involuntary basis, but such cases fall under cases in which he/she is deemed as likely to hurt him/herself or cause damage to other people due to his/her mental disabilities (compulsory hospitalization) (Articles 29-1 and 29-2) or is in need of medical care and protection (hospitalization for medical care and protection) (Article 33-1).

91. With regard to compulsory hospitalization and hospitalization for medical care and protection, the following are obliged and the procedures are strictly defined from the viewpoint of considering human rights:

- Medical examination by a designated physician specializing in mental health (Article 29, paragraph (2) and Article 33, paragraph (1));
- Written notice to the person to inform him/her of hospitalization (Article 29, paragraph (3) and Article 33-3).

92. Regarding persons to be hospitalized on an involuntary basis, a psychiatric review board, which is set up in each prefecture as a third-party organization, conducts the following:

- Examination of an admission form (Article 33, paragraph (7));
- Periodic examination based on reports of medical conditions (Article 38-2, paragraphs (1) and (2));
- Examination of a request for release by the person or his/her guardian (based on the Act on Mental Health and Welfare for the Disabled) (Article 38-4).

93. Based on the results of these examinations, the board issues a discharge order or takes other necessary measures (Article 38-3, paragraph (4) and Article 38-5, paragraph (5)).

94. In light of the fact that not only the medical and legal points of view but also the perspective of health and welfare of persons with mental disabilities have become indispensable, the Revised Act on Mental Health and Welfare for the Mentally Disabled, which was enacted at the ordinary Diet session in 2013, provides that a psychiatric review board must include persons with an academic background concerning health and welfare of persons with mental disabilities, in addition to psychiatrists and lawyers, as its members, with the aim of improving examinations by psychiatric review boards.

Alternatives to hospitalization of persons with mental disabilities

95. After the enactment of the Services and Supports for Persons with Disabilities Act in FY2006, services came to be provided uniformly for intellectual, physical and mental disabilities, and welfare services for persons with disabilities have been improved so that such persons, including those with mental disabilities, can carry out their daily and social lives with dignity as individuals enjoying fundamental human rights. The number of persons with mental disabilities who received welfare services as persons with disabilities in March 2012 was 105,000, showing a year-on-year increase of 23.3%.

96. As residences for persons with mental disabilities who have left hospitals, the MHLW promotes the development of group homes (where they live together with assistance) and care homes (where they live together with nursing care); and the number of inhabitants of these homes are increasing continuously.

Number of persons with mental disabilities living in group homes and care homes

	April 2008	*March 2013*
Group homes	8,273	13,036
Care homes	2,861	7,925

97. Persons with mental disabilities may receive medical care locally, without being hospitalized, as outpatients or in the form of day-care services and home-visit nursing services. In order to further support their lives in the community, the MHLW has been endeavoring to enhance outreach activities (support for home-visit nursing services) and develop an emergency medical care system for mental diseases.

98. Furthermore, the Revised Act on Mental Health and Welfare for the Mentally Disabled was enacted during the ordinary Diet session in 2013, and the following obligations are to be newly added to hospital managers in order to promote releases.

- Select a psychiatric social worker or other qualified counselor to provide advice on living environment after release and have him/her provide consultation and guidance

to patients on their living environment after they leave the hospital, prior to their discharge;

- Endeavor to introduce a consultation and support service provider for welfare services for persons with disabilities upon request from a person with mental disabilities under hospitalization for medical care and protection or his/her family members, etc.;
- Develop a system to discuss the necessity of hospitalized treatment and efforts for discharging patients.

99. The Revised Act also provides that the guidelines for ensuring the provision of medical care to persons with mental disabilities should be established. The guidelines are intended to change the current psychiatric care centering on hospitalized treatment into psychiatric care to support patients' lives in the community, and relevant measures are to be taken based on the guidelines.

Question 12

100. In our view, whether to continue or abolish the death penalty should be determined by each country at its own discretion based on public sentiment, actual circumstances of crimes, criminal policies and other factors.

101. As to whether or not we should continue or abolish the death penalty, it is a critical issue constituting the backbone of Japan's criminal justice system, and therefore needs to be carefully examined in all respects; among others, in terms of social justice, with the fullest attention given to public opinion.

102. The death penalty is believed to be unavoidable by a large number of Japanese people in cases of extremely malicious or atrocious crimes (with 85.6 percent in the latest opinion poll conducted from November to December 2009 answering "The death penalty should be allowed depending on the circumstances"), and there is no foreseeable end to atrocious crimes in Japan. In view of these and other observations, imposing the death penalty on an offender who has committed an atrocious crime and whose criminal responsibility is extremely serious seems unavoidable. We therefore consider that it would be inappropriate to abolish the death penalty.

103. For the reasons above, careful examination of whether or not to accede to the Second Optional Protocol to the Covenant is needed.

(a) The number of death sentences imposed

104. The number of persons whose death sentences became final and binding from 2009 onward was 65 in total (as of November 25, 2013).

(b) The number of executions carried out

105. The number of executions carried out since 2009 was 22 in total (as of November 25, 2013).

(c) The grounds for each conviction and sentence

106. Grounds for each conviction and sentence (grounds for a death sentence) vary by case. However, based on the purport of the judgment of the Second Petty Bench of the

Supreme Court on July 8, 1983, stating "[i]t is allowed to choose the death penalty, when it is found inevitable to impose the ultimate penalty from the standpoint of balanced punishment, as well as from the standpoint of general deterrence because the criminal responsibility is determined as immensely serious, after comprehensively considering the following matters: the nature, motive, and manner of crime, especially the relentlessness and cruelty of the murder method; the severity of the consequences, especially the number of murder victims; the feelings of victimization on the part of the bereaved family; social impacts; the offender's age and criminal history; the circumstances after the crime was committed; and all other circumstances". A death sentence is delivered to a person who has committed a heinous crime carrying great criminal responsibility that involves an act of killing victims intentionally.

(d) The age of the offenders at the time of committing the crime and their ethnic origin

107. The following are the results of an examination of the 22 persons who were executed under the death penalty from 2009 onward:

(i) The age of the offenders was from 22 to 64;

(ii) 21 were Japanese and one was Chinese.

(e) The number and outcome of appeals in capital cases

108. The following are the results of an examination of the 22 persons executed under the death penalty from 2009 onward:

(i) The number of appeals: Irrespective of whether a judgment or decision has been rendered or not, the number of appeals (appeals to the court of second instance, final appeals and requests to amend judgment) filed by the defendants against death sentences was 42;

(ii) Outcome of appeals: Out of the aforementioned 42 appeals, a judgment or decision was rendered for 33 appeals and all of them were dismissed. The remaining 9 appeals were withdrawn and no rulings were rendered.

(f) The number of cases in which a pardon was given

109. Since 2009, no one who has received a death sentence has been pardoned.

Question 13

Question 13 (a)

110. In Japan, crimes that include death penalty as an option among the statutory penalties are limited to 19 serious crimes such as murder and murder at the scene of a robbery. Judgment on selecting the death penalty is made extremely strictly and carefully, based on the criteria shown in the judgment of the Supreme Court. As a result, the death penalty is imposed only on a person who has committed a heinous crime carrying great criminal responsibility that involves an act of killing victims intentionally.

111. As explained above, we consider that in Japan, death penalty sentences are for extremely limited serious crimes and issued through extremely strict procedures.

Question 13 (b)

112. At penal institutions, it is necessary to detain inmates sentenced to death and at the same time to pay attention to enabling them to maintain peace of mind. Article 36 of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees provides that treatment of an inmate sentenced to death shall be conducted in an inmate's room throughout the day and night, and that inmates sentenced to death shall not be permitted to make mutual contact even outside of their rooms, in principle, except when it may be permissible to allow them to make mutual contact in order to maintain peace of mind. Therefore, we do not consider that such treatment falls under abuse of human rights.

113. At penal institutions, attention is always paid to the physical and mental state of inmates sentenced to death, giving due consideration by providing them with regular health checkups and medical treatment by a doctor on the staff of the penal institution or a doctor of an external medical institution, as necessary.

114. With regard to contact with outside people, the said Act provides that an inmate sentenced to death may accept visits of his/her relatives, a person who requires a visit for dealing with affairs relating to his/her serious interests, or a person who is deemed to contribute to maintaining his/her peace of mind, and that a visit by any other person may be permitted at the discretion of the warden of the penal institution only where there are circumstances requiring the visit, such as for maintaining a friendship, and it is deemed that the visit will not cause disruption of discipline and order in the penal institution. The warden of each penal institution properly decides whether to permit a visit by a person other than relatives of inmates sentenced to death on a case-by-case basis, in light of the purport of the Act.

Question 13 (c)

115. An inmate sentenced to death is notified him/herself of the execution of the death penalty on the day prior to the execution, out of consideration that an advance notice would disturb the inmate's peace of mind and might cause further suffering. Furthermore, an advance notice to family members, etc. would cause them to suffer useless mental agony, and if a family member who received an advance notice were to make a visit and the inmate to learn of the schedule of the execution of his/her death sentence, the same harmful effects would be expected. Therefore, the current procedures are unavoidable.

116. After execution of the death penalty, a notice is promptly given to the person whom the inmate sentenced to death had designated in advance (inmates may designate a family member or a lawyer or another person), based on laws and regulations.

117. At present, no changes are scheduled for these procedures.

Question 13 (d)

118. At present, the Ministry of Justice does not have any special fora to discuss the capital punishment system.

119. We consider that discussions on the capital punishment system should not be led by the Ministry of Justice but be held voluntarily among the people when they feel the necessity.

Question 13 (e)

120. We consider that adopting an immediate moratorium on the execution of death penalty is not appropriate because a large number of Japanese people believe that the death penalty is unavoidable in case of extremely malicious or atrocious crimes, and because the resumption of executions after a suspension could bring about rather inhumane results, betraying inmates sentenced to death who have once expected not to be executed.

Question 13 (f)

121. We do not find any necessity to introduce a mandatory system of review in capital cases, because in procedures for criminal cases in Japan, appeals against convictions and sentences are broadly permitted under the three-tiered court system, and defense counsels appointed for all death penalty cases are vested with the right to appeal and appeals are actually filed in many cases in which a death sentence has been rendered.

Question 13 (g)

122. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees provides that when an inmate sentenced to death receives a visit, an official of the penal institution is to be present at the scene, in principle. However, the provisions of laws concerning unsentenced persons (accused persons) apply to meetings between a lawyer and an inmate sentenced to death for whom the court's ruling shall be rendered to commence a retrial, and therefore, measures, such as the attendance of an official, are not taken in such cases.

123. Also with regard to meetings between a lawyer and an inmate sentenced to death for whom the commencement of retrial has yet to been rendered, when a request for a meeting without the attendance of an official is filed, a meeting without the attendance of an official is permitted unless there are special circumstances, based on judgment by the warden of the penal institution on a case-by-case basis.

Question 13 (h)

124. Under the Pardon Act and the Ordinance for Enforcement of the Pardon Act, an inmate sentenced to death may apply for a pardon at any time to the warden of the penal institution where he/she is detained, and when the person in question has filed an application for pardon, the warden shall submit a petition in that regard to the National Offenders Rehabilitation Commission, attaching his/her opinion thereto. Upon receiving it, the commission shall examine whether the pardon is appropriate or not.

125. The Pardon Act and the Ordinance for Enforcement of the Pardon Act, which specify the procedures for seeking examination of pardon, are publicly available all of the time.

126. A request for retrial or pardon (hereinafter referred to as a "request for retrial, etc.") is not grounds for the suspension of execution of a sentence under the law. However, given the grave consequences of the execution of the death sentence, when the Minister of Justice issues an order to execute the death sentence, he/she gives due consideration to whether there is grounds for commencement of retrial and whether there are circumstances in which a pardon should be granted, etc.

127. On the other hand, it is also a significant duty for the Minister of Justice, who is in charge of the execution of sentences, to promptly implement judgments that were rendered

by the court, which is the judicial organ of the state, and have become final and binding. If the minister were supposed to refrain from issuing an order of execution in all cases in process of a request for retrial, etc., the death sentence would not be executed permanently as long as inmates sentenced to death repeat filing requests for retrial, etc., which would preclude effective implementation of the procedures for criminal trials.

128. Therefore, we do not have a policy that suspends the execution of a sentence for which a request for retrial, etc. has been filed.

Question 13 (i)

129. Article 479 of paragraph (1) of the Code of Criminal Procedure provides that where the person who has been sentenced to death is in a state of insanity, the execution shall be suspended by order of the Minister of Justice.

130. Relevant departments of the Ministry of Justice constantly pay attention to the mental conditions of inmates sentenced to death and give due consideration, such as having them receive medical treatment, to the perspective of doctors, as necessary. Based on opinions from this professional point of view, the Minister of Justice determines whether the relevant inmate is in a state of insanity or there are any other grounds for the suspension of execution of his/her sentence.

131. Article 62 of paragraph (1) of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees provides that in such cases in which the inmate is injured or suffering from disease, the warden of the penal institution shall promptly give him/her medical treatment by a doctor on the staff of the penal institution and other necessary medical measures. At penal institutions, attention is always paid and due consideration is given also to inmates sentenced to death, by attempting to ascertain their physical and mental state by providing them with regular health checkups and medical treatment at an external medical institution, as necessary.

Question 13 (j)

132. Being of advanced age is not recognized as grounds for the suspension of execution of a sentence nor as grounds for automatically granting a pardon under law.

133. Generally speaking, persons of advanced age may also commit heinous crimes and we find no grounds for refraining from the execution of a death sentence merely because the relevant person is of advanced age.

134. Needless to say, a final, binding adjudication must be executed strictly in a country that respects the rule of law. In particular, death sentences are rendered to persons who have committed an extremely heinous crime through deliberate examinations by the court, and they should be executed carefully and strictly under the law, with regard to the judgments of the court.

Question 14

135. In Japan, the number of penal institutions is smaller than that of detention facilities, and increasing the number of penal institutions would require a larger budget which would not be easy to achieve. Therefore, the substitute detention system is being used as an alternative that contributes to the prompt and proper performance of criminal investigations and is convenient for the lawyers and family members to visit and meet with the suspect. We consider it impractical to abolish the substitute detention system at the present moment.

136. We understand that where to detain a suspect or accused person is properly decided by a judge, through comprehensive consideration of the various circumstances of the relevant case. We do not think the substitute detention system is being abused. Furthermore, after a suspect or accused person is detained, he/she is treated properly with due consideration to his/her human rights, as explained in the Government of Japan's reply to the Committee's previous concluding observations (CCPR/C/JPN/CO/5/Add.1, paras. 8-11).

Question 15

(a) The outcome of the experimental employment of audiovisual recordings of interrogations

137. The Public Prosecutors Offices have been intensely promoting audio and video recordings of interrogations for the following cases for which suspects are under detention on an experimental basis, recording as broadly as possible, including the entire interrogation process, except in cases where there are certain circumstances, such as that a trial is not expected to be sought:

- Cases subject to lay judge ruling;
- Cases involving suspects who have difficulties in communication due to intellectual disabilities;
- Cases involving suspects whose criminal capacity is likely to have declined or been lost due to mental disabilities, etc.;
- Cases in which public prosecutors initiate investigations and arrest suspects.

138. The numbers of cases for which audio and video recordings were conducted among cases subject to lay judge ruling during the one year from April 2012 to March 2013 are as follows:

- Conducted: 3,680 cases (implementation rate: approximately 90.8%);
- Not conducted: 371 cases.

139. When limited to cases in which a trial was finally sought:

- Conducted: 1,431 cases (implementation rate: approximately 96.8%);
- Not conducted: 47 cases.

140. Out of the 3,680 cases, audio and video recordings were conducted for the whole process of interrogations by public prosecutors in 1,890 cases (implementation rate: approximately 51.4%).

141. The numbers of cases for which audio and video recordings were conducted among cases involving suspects who have difficulties in communication due to intellectual disabilities during the one year from April 2012 to March 2013 are as follows:

- Conducted: 1,054 cases (implementation rate: approximately 97.9%);
- Not conducted: 23 cases.

142. Out of the 1,054 cases, audio and video recordings were conducted for the whole process of interrogations by public prosecutors in 619 cases (implementation rate: approximately 58.7%).

143. Cases for which audio and video recordings were conducted among cases involving suspects whose criminal capacity is likely to have declined or been lost due to mental disabilities, etc. during the five months from November 2012 to March 2013 are as follows:

- Conducted: 783 cases (implementation rate: approximately 97.5%);
- Not conducted: 20 cases.

144. Out of the 783 cases, audio and video recordings were conducted for the whole process of interrogations by public prosecutors in 336 cases (implementation rate: approximately 42.9%).

145. Cases for which audio and video recordings were conducted among cases in which public prosecutors initiated investigations and arrest suspects during the one year from April 2012 to March 2013 are as follows:

- Conducted: 130 cases (implementation rate: approximately 95.6%);
- Not conducted: 6 cases.

146. Out of the 130 cases, audio and video recordings were conducted for the whole process of interrogations by public prosecutors in 85 cases (implementation rate: approximately 65.4%).

147. In September 2008, several prefectural police started trial-based audiovisual recordings of the interrogations, with regard to suspects in confession cases, out of cases subject to lay-judge ruling. This was expanded nationwide in April 2009. Furthermore, in April 2012, it was also expanded to cover not only cases involving confessions but also, when necessary, cases in which suspects deny the charges. Recordings are conducted at various stages of interrogation.

148. In May 2012, this audiovisual recording commenced also with regard to cases involving suspects who have intellectual disabilities.

149. By March 2013, trial-based audiovisual recordings of the interrogations were carried out in 4,546 cases subject to lay-judge ruling (implementation rate for FY2012: approximately 77.2%), and by April 2013 in 967 cases involving suspects who have intellectual disabilities.

The findings of the Ministry of Justice's advisory boards on the system of audio and video recordings of interrogations

150. In January 2013, the Minister of Justice's advisory board compiled an intermediary report, which includes the statement: "The system of audio and video recordings of interrogations needs to be introduced as a means to incorporate the effectiveness of recordings into Japan's criminal justice system. When introducing the system, due consideration should be given to problems pointed out on audio and video recordings, as well as to creating mechanisms which ensure the appropriateness of interrogations and accurate fact finding in an objective manner in the event that any dispute occurs over interrogations." The advisory board is now discussing the specific design of institutional arrangements in line with this policy.

(b) Allegations that audio and video recordings are edited

151. Generally speaking, playing back audio and video records as they are at court prolongs the trial and is not practical, and therefore for the purpose of speeding up procedures and enhancing efficiency of the trial, public prosecutors obtain consent from

lawyers and submit recording media to the court, which extract scenes necessary for judgment of the points of dispute and in such cases, upon a request from a lawyer, public prosecutors disclose the entirety of the original recording media.

(c) Access to a counsel during interrogations

152. In May 2008, the police issued a notice concerning this matter, and since September 2008, the Public Prosecutors Offices have been implementing a policy for giving further consideration to meetings between suspects and their counsel. More specifically:

- When a suspect requests a meeting with his/her counsel during interrogations, they promptly inform the counsel of the request;
- When a counsel requests a meeting with a suspect under interrogation, they provide the counsel with the opportunity at as early a stage as possible.

(d) Strict time limits for the duration of interrogations

153. Given the unpredictability and diversity of criminal investigations, it is difficult to uniformly prohibit by legislation interrogations which exceed a certain time frame or interrogations during specific time periods.

152. However, the police of Japan have the following rules:

- Interrogations during late night hours or interrogations lasting for long hours must be avoided except under unavoidable circumstances;
- For interrogation of a suspect from 10 p.m. to 5 a.m. or for more than eight hours a day, the prior approval of the Chief of the Prefectural Police Headquarters or the Chief of the police station must be obtained.

154. In the latter case, the Chief of Police, who received an application for prior approval, comprehensively considers the outline of the case, developments of the interrogations, the content of the deposition, the future course of the investigation, personal circumstances of the suspect on a case-by-case basis and makes judgment on the necessity, reasonableness, and appropriateness of granting approval.

155. In the case that interrogations of suspects are conducted from 10 p.m. to 5 a.m. or for more than eight hours a day without obtaining prior approval, the interrogation may be discontinued or other measures may be taken by a supervisory department not involved in the interrogations.

(e) The use of restrictions imposed on inmates under “category 4” of the security categories

156. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees provides that restrictions on inmates for the purpose of maintaining the discipline and order of penal institutions should be eased sequentially as they come to show an attitude of increased possibility of achieving the aim of stimulating motivation for reformation and rehabilitation and developing adaptability to life in society (Article 30). Inmates for whom it is less likely to achieve such an aim are classified as “category 4”, and restrictions are not eased. They are treated within the building containing their rooms.

157. Inmates under “category 4” are encouraged to make efforts to have their category changed to a higher one through personal interviews and group counseling, depending on their individual characteristics and behavior. Furthermore, special attention is paid to

provide them with chances for group treatment, including group exercises, at least twice a month.

(f) Regular contact with family

158. Inmates and detainees are guaranteed the right to have contact with outside people, such as to meet relatives and send and receive letters, under the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (in the case that an unsentenced person is prohibited from having an interview, etc. under the Code of Criminal Procedure, contact with relatives may sometimes be restricted).

159. Frequencies and modes of contact with outside people are subject to unavoidable restrictions for proper operation of penal institutions and detention facilities, but a minimum of opportunities for meetings and sending and receiving letters are ensured to maintain regular contact with family members.

(g) Measures taken to limit the use and duration of pre-trial detention

Limits under current laws

160. In Japan, pre-trial detention is permitted only when the following strict requirements are satisfied:

- There is probable cause to suspect that a suspect has committed a crime;
- A suspect does not have a fixed residence, there is probable cause to suspect that he/she may conceal or destroy evidence, or a suspect has fled or there is probable cause to suspect that he/she may flee;
- There is the necessity of detention.

161. Prior to pre-trial detention, public prosecutors must make a decision as to whether these requirements are satisfied. When a public prosecutor has filed a request for pre-trial detention, a judge must further make a judgment as to whether these requirements are being satisfied. Pre-trial detention is permitted only after these judicial reviews.

162. As careful consideration should be required in placing someone under detention, a suspect must first be arrested for short-term custody prior to pre-trial detention. If it is deemed unnecessary to keep the suspect in custody at the stage of arrest, pre-trial detention is not claimed.

163. The duration of pre-trial detention is ten days, in principle. Even in the case where there are unavoidable grounds, the duration may normally be extended only by ten days at the longest (a maximum extension of 15 days is permitted for only extremely limited crimes, such as an insurrection or crimes related to foreign aggression).

164. A judgment as to whether there are unavoidable grounds is first made by public prosecutors. When a public prosecutor files a request for an extension of the duration of detention, a judge must further make a judgment thereafter. An extension of the duration of detention is permitted only after these judicial reviews.

165. Additionally, an appeal (quasi-appeal) may be filed against the judgment of pre-trial detention, and a request for rescindment or suspension of the execution of detention may also be filed.

Discussions at the Legislative Council of the Ministry of Justice

166. In January 2013, the Special Committee on Criminal Justice System for the New Era under the Legislative Council of the Ministry of Justice, the Minister of Justice's advisory board, compiled the intermediary report which mentions with regard to detention of suspects that whether or not to adopt the following items should be considered concretely, based upon concerns and other opinions on:

i) Introduction of intermediate disposition between custodial and non-custodial disposition;

ii) Establishment of new provisions as guidelines for ensuring proper practice with regard to custody.

167. The discussions of the Special Committee are now underway in accordance with the policy shown in the report.

(h) Convictions

168. The high conviction rate is the accumulation of judgments made by the court for each case and the national government is not in a position to make comments on such results. However, under the criminal justice system in Japan, public prosecutors conduct investigations thoroughly and indict suspects only when public prosecutors are confident that suspects are guilty and have been found so at trial (as a result, innocent persons are released from criminal procedures at an early stage, thereby contributing to the protection of human rights). Public prosecutors are also endeavoring to carry out fair and proper trial activities.

169. We understand that the court carries out fact-finding procedures in an impartial and neutral manner based on laws and evidence, from the perspective of a neutral and fair third party.

170. Under the Code of Criminal Procedure of Japan, the accused shall not be convicted when the confession, whether it was made in open court or not, is the only piece of incriminating evidence. Therefore, a conviction shall never be rendered only based on a confession.

(i) Reported allegations and complaints

Relating to Public Prosecutors Offices

171. The Inspection Guidance Department, which was set up in the Supreme Public Prosecutors Office, has developed a system to address any illegal or improper act or any other act which may raise such suspicion by public prosecutors or public prosecutor's assistant officers during the course of investigations and trials, based on reports from within and outside of the Public Prosecutors Office, and to properly deal with such problems through inspections and other examinations of clerical work.

172. In a case where a suspect deprived of freedom, including under interrogations, has filed an accusation that he/she had been tortured or treated inappropriately, and the accused is exempted from prosecution as a result of a subsequent investigation, the accuser, who is dissatisfied with such disposition, may file a claim for review of said disposition with the Committee for Inquest Prosecution consisting of voters appointed by lot (Article 30 of the Act on Committee for Inquest of Prosecution). Furthermore, in the case of certain types of crimes committed by public officers, such as assault and cruelty by special public officers, any person may file a request for a trial for correction and ask

a judge to determine whether or not to commit the case to a court for trial (Article 262, paragraph (1) of the Code of Criminal Procedure).

Relating to penal institutions

173. Under the Act on Penal Detention Facilities and Treatment of Inmates and Detainees, a system of filing a claim for review and reporting the facts has been established as a system of filing appeals with regard to penal institutions, and in order to ensure the fairness and neutrality of dispositions, the Examination Committee on Review of Complaints from Inmates of Penal Institutions was set up. The committee consists of outside intellectuals, such as legal scholars, lawyers, doctors, etc. When the Minister of Justice intends to dismiss a claim due to lack of grounds or intends to give notice to the effect that alleged facts were not found, he/she shall consult with the committee.

174. The committee has held meetings mostly twice a month since its first meeting on January 12, 2006. As of the end of March 2013, a total of 148 meetings have been held.

175. At the committee meetings, all reference materials demanded by members are prepared, and fair and effective examinations and reviews on appeals are being conducted.

176. There is also the Penal Institution Visiting Committee, which can present its opinions to the wardens of penal institutions, although it is not intended to deal with complaints from individual inmates.

177. The Penal Institution Visiting Committee may present its opinions generally on the operation of a penal institution to its warden after ascertaining the situation of the institution by such means as visiting the institution, interviewing inmates, and receiving written documents from them.

178. The committee does not have the authority to investigate individual appeals, but within the scope of its duties as mentioned above, it may try to understand a case where an inappropriate performance of duties by the staff is suspected, by such means as requesting the warden of the penal institution to provide necessary information, and may present its opinions on any problematic operation of the penal institution that underlies the relevant case.

Relating to the police

179. When a complaint has been filed with regard to interrogations of a suspect, the details thereof are reported to a department supervising interrogations not involved in the relevant interrogations, based on internal rules, and an investigation is carried out as necessary.

180. Under the Act on Penal Detention Facilities and Treatment of Inmates and Detainees, as a system for detainees to file appeals, a system of filing a claim for review of prohibited acts, reporting of cases on illegal use of physical force, against the body and filing of complaints on treatment in general has been established.

181. A claim for review and a report of the cases are firstly filed with the Chief of Police. If dissatisfied with its determination, a detainee may file such claim or report with the Prefectural Public Safety Commission. A detainee may file a complaint with either the Chief of Police or the Chief-of-Police-appointed inspector who conducts the on-the-spot inspection of the detention facilities or the detention services manager.

182. Additionally, based on Article 79 of the Police Act, a detainee may file a complaint with the Prefectural Public Safety Commission. Prefectural Public Safety Commissions were set up as collegial organizations representing people’s common sense for the purpose of guaranteeing democratic operations of prefectural police. They manage the prefectural police from the perspective of a third party. Therefore, the review of complaints by the

Prefectural Public Safety Commission is carried out objectively and fairly from the perspective of a third party.

183. These are systems for filing a complaint in administrative processes that define simple and prompt remedies. Needless to say, any persons whose rights have been illegally violated may file a suit in the court.

Question 16

184. We do not know of any cases as those described.

185. Generally, when any act violating the criminal laws and regulations is discovered, the investigative authorities deal with the case appropriately based on evidence and the laws covering such cases.

186. The Human Rights Organs of the Ministry of Justice conduct all necessary investigations following claims of human rights infringements, including discrimination on the grounds of religion or creed, based on the Human Rights Volunteers Act and the Regulations on Investigation and Resolution of Human Rights Infringement Cases, and to take appropriate measures depending on the cases.

Question 17

187. The concept of "public welfare" is considered to represent that the guarantee of human rights is not absolutely free from constraints but is subject to certain constraints mainly out of the necessity to make adjustments among various human rights if they conflict with each other.

188. Thus, the concept of "public welfare" is a rule necessarily required to keep society as a whole in harmony and order, while assigning maximum value to human rights, and does not serve as a basis for allowing arbitrary human rights restrictions by the state.

189. Therefore, a situation in which any restrictions exceeding those permissible under the Covenant are placed on grounds of "public welfare" is not envisaged and we find no need to adopt new legislation specifying that any restrictions placed on freedom of religion, opinion and expression on the grounds of "public welfare" may not exceed those permissible under the Covenant.

190. Boards of education and school principals are authorized to issue official orders to teachers and school personnel to stand and sing the national anthem at entrance ceremonies and graduation ceremonies.

191. In a case in which constitutionality was discussed with regard to official orders issued by the principals of public high schools to teachers and school personnel to stand facing the national flag and sing the national anthem at ceremonies, such as graduation ceremonies, the Supreme Court ruled that the official orders in question are necessary and reasonable to such a degree that indirect constraint on freedom of thought and conscience of the relevant teachers and school personnel is permissible, when comprehensively comparing the objectives and contents of the official orders in question and the mode of constraint caused thereby, etc. (judgment of the First Petty Bench of the Supreme Court on June 6, 2011). Incidentally, in this judgment, the concept of "public welfare" was not cited as the grounds for indirect constraint on freedom of thought and conscience.

192. Public officers in the field of education are generally in the position to observe laws and regulations and obey official orders issued by their superiors, as public servants of all residents.

193. An officer having disciplinary authority has discretion to decide whether or not to take disciplinary action for a violation of an official order by a teacher or school personnel, and what measure should be selected in the case of taking a disciplinary action. We understand that proper judgment is made by such officers based on their authority and responsibility. According to the judgment of the Supreme Court, any disciplinary action for a teacher or school personnel is deemed illegal when the decision of the disciplinary action is found to have been made beyond the bounds of discretionary power or through an abuse of such power, due to a significant lack of validity based on common sense in light of various circumstances, such as the cause, motive, mode, result, effects, etc. of the act that is deemed to be the grounds for the disciplinary action, the attitude of the teacher or school personnel in question before and after the act, his/her history of receiving disciplinary actions or other punitive measures, and the influence that the selected measure would exert on other public officers and society as a whole (judgment of the First Petty Bench of the Supreme Court on January 16, 2012).

Question 18

Question 18 (a)

194. In order to ensure that Article 53, paragraph (3) of the Immigration Control and Refugee Recognition Act (hereinafter referred to as the "Immigration Control Act") is executed effectively, when interrogating foreign nationals deemed liable to be subject to deportation, due consideration is given to their manners, customs and languages, etc. With regard to those who cannot understand Japanese well, deportation procedures are explained to them via an interpreter in a language that they can understand.

195. During these procedures, the suspects' opinions on the destinations to which they may be deported are recorded to clarify that those destinations do not include any country specified in Article 53, paragraph (3) of the Immigration Control Act, thereby ensuring full conformity with the principles of non-refoulement.

196. During inspections by immigration inspectors and hearings by special inquiry officers carrying out deportation procedures, the circumstances of the individual foreign nationals, including to where they accept to be deported, and other necessary matters are asked and recorded carefully in detail. Then, the supervising immigration inspectors decide on the appropriate destinations when issuing deportation orders to foreign nationals.

Question 18 (b)

197. Article 52, paragraph (3) of the Immigration Control Act provides that a foreign national to whom a deportation order has been issued must be "deported promptly to the destination." However, foreign nationals subject to deportation are informed of the fact, in writing, that they may file a suit against the orders of the authorities, and foreign nationals who have not been recognized as refugees and have been issued with a deportation order are informed of the fact, in writing, that they may file an objection within seven days from the day on which they receive the written notice of denial of recognition as a refugee. Furthermore, with regard to those who do not express their wishes, deportation is not carried out during said period.

198. When dissatisfied with a denial of recognition of refugee status, the applicant may file an objection against this disposition with the Minister of Justice. In order to further improve protection of refugees through more fair and neutral procedures, the Refugee

Examination Counselor System was introduced in May 2005 to address objections against denials of refugee status.

199. Under this system, the Minister of Justice must always listen to the opinions of refugee examination counselors when he/she makes decisions on cases of objections against recognition of refugee status. Refugee examination counselors are appointed from among intellectuals in a neutral position broadly from various fields, including those recommended by the Japan Federation of Bar Associations, UNHCR and NGOs with abundant experience in refugee support. Since refugee examination counselors examine cases as a fair and neutral third-party organization, and the Minister of Justice is to make conclusions with due regard to their opinions, the fairness, neutrality and transparency of the procedures for filing objections are fully ensured.

200. The number of refugee examination counselors has been increased (from 56 at the time of the previous report to 74) in accordance with an increase in objections filed, in an effort to thereby speed up the procedures.

Question 18 (c)

201. When a foreign national detained in an immigration detention center, etc. has an objection to his/her treatment by immigration control officers, he/she may file a complaint with the director of the center, etc. based on the provisions of Article 41-2 of the Rules for the Treatment of Immigration Detainees, and he/she is ultimately permitted to file an objection with the Minister of Justice. When it is found that there are grounds for the objection, the director of the center, etc. shall take specific relief measures appropriate to the case.

202. Necessary measures include the revocation, abolition or changes of measures currently taken, the implementation of specific measures, and dispositions of immigration control officers in cases in which illegal or unlawful measures have been taken.

203. With the aim of ensuring transparency in treatment at immigration detention centers, etc. and improving operations of facilities, the Immigration Detention Facilities Visiting Committee consisting of external intellectuals was newly set up in July 2010. The committee visits immigration detention centers, etc., interviews detainees, checks opinions and proposals posted by detainees in suggestion boxes installed in detention facilities, and presents its opinions to the directors of immigration detention centers, etc. The directors are to make further efforts for improvements based on the opinions of the committee.

204. When a member of the committee interviews a detainee, Immigration Bureau staff are not present unless there is a request from the committee. Therefore, a detainee may appeal directly to the committee, without involving Immigration Bureau staff, concerning the contents of the opinions and proposals posted in suggestion boxes.

205. In September 2010, the Immigration Bureau of Japan and the Japan Federation of Bar Associations reached an agreement that they will have deliberations on problems concerning detention in immigration control administration and that bar associations will provide free legal advice to foreign nationals detained in immigration detention centers, etc. Through the use of free consultation services from bar associations based on this agreement, detainees may file a suit to seek a legal remedy.

206. The following table shows the numbers of complaints filed by foreign nationals detained in immigration detention centers, etc. under Article 41-2 of the Rules for the Treatment of Immigration Detainees and objections filed with the Minister of Justice from 2010 to 2012.

	Complaints	*Dispositions*	*Objections*	*Dispositions*
2010		No grounds: 49		
		Withdrawn: 5		
	58	Dismissed: 4	17	No grounds: 17
2011		No grounds: 39		Grounds found: 1
		Withdrawn: 7		No grounds : 9
	52	Dismissed: 6	12	Withdrawn: 2
2012		Grounds found: 1		
		No grounds: 77		
		Withdrawn: 2		No grounds: 33
	90	Dismissed: 10	34	Withdrawn: 1

Question 19

207. The majority of applicants for recognition of refugee status are legal residents, and the majority of illegal residents who are applicants for recognition of refugee status file the application after receiving a written detention order or deportation order. Therefore, it rarely happens that a foreign national who files an application prior to detention is brought into detention.

208. Even illegal residents may be permitted to stay in Japan provisionally when they satisfy certain requirements, such as that they have not received a written deportation order or that they have filed an application for refugee recognition within six months after landing in Japan (Article 61-2-4, paragraph (1) of the Immigration Control Act), and the procedures for deportation, including detention, shall be suspended (Article 61-2-6, paragraph (2) of said Act).

209. A working group set up under the Three-Party Conference on Refugee Issues[1] is now discussing the possibility to ask for the cooperation of NGOs in securing residences for such foreign nationals when permitting provisional stay.

210. In the case where a foreign national filing an application after receiving a written detention order or deportation order has been detained, if the detention is prolonged, provisional release is permitted on a flexible basis.

211. Under Article 61-7, paragraph (1) of the Immigration Control Act, foreign nationals detained in immigration detention centers, etc. are given maximum liberty consistent with the security requirements of the facilities. At well-equipped immigration detention centers, etc., detainees may make phone calls to the outside freely during certain hours. Telephone numbers of bar associations are put up in the facilities and detainees are thus given access to judicial review.

212. In September 2010, the Immigration Bureau of Japan and the Japan Federation of Bar Associations reached an agreement that they will deliberate on problems concerning detention in immigration control administration and that bar associations will provide free

[1] On February 10, 2012, the Immigration Bureau of the Ministry of Justice and the NPO, Forum for Refugees Japan, reached an agreement to collaborate and cooperate with each other with regard to refugee recognition procedures, which are under the jurisdiction of the bureau, and matters that can be improved substantially through joint efforts. Furthermore, the Japan Federation of Bar Associations agreed to participate in their deliberations, with a view to achieving collaboration among the three parties. The three parties signed a memorandum and decided to organize the Three-Party Conference on Refugee Issues.

legal advice to foreign nationals detained in immigration detention centers, etc. Through the use of free consultation services from bar associations based on this agreement, detainees may file a suit to seek a legal remedy.

213. Under the Immigration Control Act, deportation procedures should be carried out after a foreign national subject to deportation has been detained, in principle, and this also applies to minors. However, based on humanitarian considerations, in deportation procedures for minors, provisional release is applied on a flexible basis so that they are in practice rarely detained.

214. Such cases are handled properly in such a fashion as by asking for temporary custody of the relevant minor for his/her relative or a child guidance center.

215. Even in cases where it is unavoidable to detain the relevant minor in his/her interest, such as in cases in which there is no one to ask to take temporary custody of him/her, efforts are made to minimize the detention period by prioritizing his/her procedures for deportation or refugee recognition.

216. In order to ensure the independence of the Immigration Detention Facilities Visiting Committee, Immigration Bureau staff are not present when a committee member interviews a detainee unless there is a request from the committee. Furthermore, as committee members themselves open suggestion boxes to collect opinions and proposals from detainees , detainees may appeal directly to the committee, without involving immigration bureau staff, concerning the contents of the posted opinions and proposals.

217. Opinions presented by the committee do not directly bind immigration detention centers, etc., but due consideration is given to reflect them in the operation of facilities as much as possible. During the one-year period from July 2012 to June 2013, the committee presented 57 opinions, including the need to prepare multilingual forms for submitting opinions and proposals in suggestion boxes, a suggestion to change shower room windows to frosted glass for the purpose of protecting privacy, and the need to ensure safety of the concrete part of outdoor athletic grounds. In response to most of these opinions of the committee, various measures are being taken or are under discussion, such as preparing opinion/proposal forms in thirteen languages, putting translucent film on windows, and installing shock-absorbent materials as necessary.

Question 20

218. We understand that people in Okinawa have inherited a unique culture and tradition over their long history. However, the Government of Japan recognizes only the Ainu people as an indigenous people. People in Okinawa are also Japanese nationals, as a matter of course, who are vested with the same rights and are entitled to the same relief measures as other Japanese nationals.

219. In Japan, no one is deprived of the right to enjoy one’s own culture, believe in and practice one’s own religion, or use one’s own language. On this premise, efforts have been made to maintain and pass on the original culture, traditions and lifestyle of Okinawa based on the Basic Policy for the Promotion of Okinawa.

220. With regard to the Ainu people, the Hokkaido prefectural government has conducted the Hokkaido Ainu Living Conditions Survey six times since 1972 to ascertain the gap with other people in Hokkaido in general and has taken measures to improve the living conditions of the Ainu people in Hokkaido, including initiatives to stabilize their livelihoods, enhance education, ensure stable employment and promote industry.

221. To date, the gap has been steadily shrinking, though it has not been eliminated. The national government will support the initiatives taken by the Hokkaido prefectural government to further diminish the gap.

222. In 1997, the Ainu Culture Promotion Act was put into force, and the Foundation for Research and Promotion of Ainu Culture, which carries out projects for promoting Ainu culture, was established.

223. The foundation carries out projects for the promotion of comprehensive and practical research on the Ainu, promotion of the Ainu language and culture, dissemination of knowledge on Ainu traditions, revival of Ainu traditional life style, etc. and thereby contributes to the promotion of Ainu language and culture.

224. In the meantime, the Government of Japan has taken the initiative to establish the Symbolic Space for Ethnic Harmony, which is scheduled to open in Hokkaido in 2020. The space will have an Ainu museum, traditional Ainu houses and studios in which people of all ages can learn of the Ainu's unique views on the world and on nature, and it is expected to serve as a national center for revitalizing Ainu culture.

225. With regard to guaranteeing measures for Ainu children's right to be educated about their culture in their own language, it is our understanding that no one, including Ainu children, is deprived of the right to enjoy one's own culture, believe in and practice one's own religion, or to use one's own language in Japan.

226. Traditional Ainu dance and everyday Ainu goods, including traditional clothing, hunting devices, agricultural equipment and musical instruments, have long been designated as national cultural heritage under the Law for the Protection of Cultural Properties. The Government of Japan has also granted assistance to projects that aim to preserve the cultural heritage and pass it on to the next generation.

227. Regarding the cultural heritage of Okinawa, the government takes measures, as in other prefectures, to protect and utilize the cultural heritage. For example, the government subsidizes 50% of the cost in principle, and even 80% for some projects carried out by those who reside in Okinawa, for preserving and restoring cultural assets nationally designated under the Law for the Protection of Cultural Properties.

Question 21

Ensuring adequate education for minority children

228. Article 26 of the Constitution of Japan provides that all people shall have the equal right to receive an education, and that all people shall be obligated to have all boys and girls under their protection receive ordinary education, as provided by law. Based on this, the School Education Act obliges guardians to have children under their care go to elementary school and lower secondary school under the nine-year compulsory education system. The meaning of the term "minority" is not necessarily clear, but in Japan, all children of Japanese nationality are guaranteed the opportunity to receive sufficient education without discrimination.

Application of the tuition-waiver program for high school education to children attending Korean schools （chosen-gakko/choson-hakkyo）

229. As a result of an examination as to whether Korean schools satisfy the requirements for eligibility for the tuition-waiver program (high school tuition support fund), it became clear that those schools are closely related to the Chongryon (chosen-soren) and are under the influence of the association concerning their educational content, personnel affairs and finances. Therefore, it was not found that those schools conform with one of the criteria for

designation, “proper school management based on laws and regulations,” and it was concluded that they do not satisfy the requirements for eligibility for the tuition-waiver program.

230. If Korean schools （chosen-gakko/choson-hakkyo） obtain the approval of the relevant prefectural governor and convert themselves into upper secondary schools as defined in Article 1 of the School Education Act, or diplomatic relations with North Korea are resumed in the future, their eligibility will be re-examined under the current system.

231. There are many Korean, including South Korean, students studying at the upper secondary schools prescribed in Article 1 of the School Education Act or foreign schools already covered under the program, and such students are receiving support through the program.

Whether the Korean school（chosen-gakko/choson-hakkyo）-graduation certificates are recognized as direct university entrance qualifications

232. Multiple means to obtain university entrance qualification have been made available to all people, irrespective of nationality, race, gender, etc. (e.g., graduation from a Japanese high school, the Upper Secondary School Equivalency Examination (former University Entrance Qualification Examination), etc.).

233. Graduates of national schools that do not satisfy the public education standards in Japan may also obtain university entrance qualification by personally satisfying certain academic requirements. Efforts are being made to further diversify such means through system reforms.

234. System reform in 1999 has made it possible for students studying at international schools, including Korean schools（chosen-gakko/choson-hakkyo）, to obtain university entrance qualification by taking and passing the University Entrance Qualification Examination (the Upper Secondary School Equivalency Examination since 2005).

235. Furthermore, through system reform in 2003, university entrance qualification has come to be granted to anyone, including graduates from Korean schools （chosen-gakko/choson-hakkyo） and other foreign schools, who has been recognized to have academic ability equal to or higher than those who have graduated from a high school through a proper examination of their learning history carried out by each university on an individual basis.

Question 22

236. As this Covenant is not applied to any issues that occurred prior to Japan’s conclusion thereof (1979), it is not appropriate for this report to take up the so-called wartime comfort women issue in terms of the implementation of State Party’s duties of the Covenant. However, considering the deliberations at the 94th Committee meeting in October 2008 and the Committee’s concluding observations concerning Japan’s report, we would like to explain what efforts Japan has so far made on this issue.

237. During a certain period in the past, Japan caused tremendous damage and suffering to people of many countries, in particularly to those in Asian countries. Squarely facing these historical facts, the Government of Japan has repeatedly expressed its feelings of deep remorse and heartfelt apology, and expressed feelings of sincere mourning for all victims of the war both in Japan and abroad.

238. (With regard to the comfort women issue,) Prime Minister Abe, in the same manner as the Prime Ministers who proceeded him, is deeply pained to think of the comfort women who experienced immeasurable pain and suffering beyond description.

239. The Government of Japan has sincerely dealt with issues of compensation as well as property and claims pertaining to the Second World War, including the comfort women issue, under the San Francisco Peace Treaty, which the Government of Japan concluded with 45 countries, including the United States, United Kingdom and France, and through bilateral treaties, agreements and instruments. The issues of claims of individuals, including former comfort women, have been legally settled with the parties to these treaties, agreements and instruments. In particular, the Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea stipulates that "problem concerning property, rights, and interests of the two Contracting Parties and their nationals (including juridical persons) and concerning claims between the Contracting Parties and their nationals… [has been] settled completely and finally." (Article II (paragraph 1)).

240. Nevertheless, recognizing that the comfort women issue was a grave affront to the honor and dignity of a large number of women, the Government of Japan, together with the people of Japan, seriously discussed what could be done to express their sincere apologies and remorse to the former comfort women. As a result, the people and the Government of Japan cooperated and together established the Asian Women's Fund (AWF) on July 19, 1995 to extend atonement from the Japanese people to the former comfort women. To be specific, the AWF provided "atonement money" (2 million yen per person) to former comfort women in the Republic of Korea, the Philippines and Taiwan who were identified by their governments and other bodies and wished to receive it. Moreover, the AWF provided funds for medical and welfare support in those countries, financial support for building new elder care facilities in Indonesia, and financial support for a welfare project which helps to enhance the living conditions of those who suffered incurable physical and psychological wounds during World War II in the Netherlands. The Government provided a total of 4.8 billion yen for programs of the fund and offered the utmost cooperation for support programs for comfort women, such as programs to offer medical care and welfare support (a total of 1.122 billion yen) and a program to offer atonement money from donations of the people of Japan. In addition, when the atonement money was provided, the then-Prime Minister (namely PM Ryutaro Hashimoto, PM Keizo Obuchi, PM Yoshiro Mori and PM Junichiro Koizumi), on behalf of the Government, sent a signed letter expressing apologies and remorse directly to each former comfort woman (Please refer to the attached document.). While the AWF was disbanded in March 2007 with the termination of the project in Indonesia, the Government of Japan has continued to implement follow-up activities of the fund.

Question 23

(a) The impact of the implementation of "Japan's 2009 Action Plan to Combat Trafficking in Persons"

241. Thanks to the implementation of "Japan's 2009 Action Plan to Combat Trafficking in Persons," the number of trafficking cases cleared in Japan increased from 28 in 2009 to 44 in 2012, and the number of arrests increased from 24 in 2009 to 54 in 2012.

(b) Victim identification, and the protection and rehabilitation of victims

Victim identification

242. Based on "Japan's 2009 Action Plan to Combat Trafficking in Persons," the Government of Japan compiled such information as the definition of trafficking in persons, viewpoints for identifying victims based thereon, and measures to be taken by relevant

administrative organs with regard to victim identification in handling cases of trafficking in persons. Furthermore, in June 2010, the government prepared "Guidelines on the Treatment of Cases of Trafficking in Persons (Measures for Identification of Victims)" (a manual for the identification of victims of trafficking in persons) as a guide to which organizations and bodies dealing with cases of trafficking in persons can refer. When a relevant organization has identified a person who may fall into the category of trafficking victim, based on those guidelines, measures are taken to provide him/her with the widest range of protection.

243. Upon concluding the Trafficking Protocol in 2005, the Immigration Control Act was partially revised to newly add the definition of trafficking in persons and the provisions for special permission to stay in Japan with the aim of the stabilizing legal status of victims. Based on these provisions, the Immigration Bureau of the Ministry of Justice compiled a Manual of Measures to be Taken in Cases of Trafficking in Persons, and carries out careful and sufficient investigations, while referring to the investigation procedures for victim identification prepared by the International Organization for Migration (IOM), and determines whether persons identified as victims of trafficking in persons are in fact victims, in collaboration with the police, foreign consular facilities in Japan, and the IOM, etc. and by receiving trafficking in persons-related information from them.

Protection of victims

244. In July 2011, the Government of Japan compiled such information as viewpoints in protecting victims of trafficking in persons and measures to be taken by relevant administrative organs with regard to the protection of victims in handling cases of trafficking in persons, and also prepared the "Guidelines on the Treatment of Cases of Trafficking in Persons (Measures for Protection of Victims)" as a guide for organizations and bodies dealing with cases of trafficking in persons. Under the guidelines, when a person consulting an office of the police, an immigration bureau, a legal affairs bureau, a women's consulting office, a child guidance center, a labour standards inspection office, the Ministry of Foreign Affairs or any other related administrative organ, etc. is found to be or is likely to be a victim of trafficking in persons, measures are to be taken through mutual cooperation to protect said person, by means such as immediately filing a report with the police, the Immigration Bureau of Japan, the Japan Coast Guard, and the relevant women's consulting office (only when the person is a woman; the same applies hereinafter) or the relevant child guidance center (only when the person is a child; the same applies hereinafter), as necessary, to seek a more specialized judgment.

245. Women's consulting offices have endeavored to improve the protection of victims of trafficking in persons, by allocating budgets to place staff in charge of psychotherapy in temporary shelters and hiring interpreters for dealing with foreign nationals, and disseminating information on assistance with medical expenses while under protective custody and the other forms of legal assistance available. In the national government's Action Plan to Combat Trafficking in Persons, the coverage of outsourced protective custody by private-sector shelters was expanded in FY2005 to include victims of trafficking in persons. In response, a system to outsource temporary protective custody of victims of trafficking in persons from women's consulting offices to private-sector shelters is being implemented.

246. In order to ensure that the police and women's consulting offices strengthen their mutual collaboration in handling cases of trafficking in persons, a leaflet entitled "Procedures for Handling Cases of Trafficking in Persons at Police Stations" was prepared in September 2012 and was distributed to prefectural women's consulting offices via the Ministry of Health, Labour and Welfare.

247. Article 50, paragraph (1), item (iii) of the Immigration Control Act revised in 2005 provides that the Minister of Justice may grant the victim special permission to stay in

Japan if he/she resides in Japan under the control of another due to trafficking in persons. Based on the aim of the revision to the Act, when a victim of trafficking in persons illegally stays in Japan or otherwise violates the Immigration Control Act, special permission to stay in Japan shall be granted in principle. Since 2005, when the survey on victims of trafficking in persons commenced, special permission to stay in Japan has been granted to all victims of trafficking in persons illegally staying in Japan.

248. Additionally, when a victim of trafficking in persons applies for an extension of period of stay or change of a status of residence, permission is granted in principle after due consideration is given to his/her circumstances.

Rehabilitation of victims

249. For the rehabilitation of victims of trafficking in persons, the Government of Japan allocated approximately 270,000 US dollars for contributions to the IOM in the FY2013 budget to offer support for rehabilitation of foreign victims and assistance to those who wish to return home. Part of the contributions is allocated for the expenses for supporting victims of trafficking in persons placed in protective custody in Japan for their rehabilitation after returning home (expenses for vocational training and medical care, etc.).

(c) Training programs for professionals

Police

250. The police provide officers who may have contact with victims of trafficking in persons and related persons with training to cultivate their awareness and sensitivity in identifying victims such as through lectures, etc. at police schools.

251. Specifically, police officers receive guidance and training on how to develop a comfortable environment for persons seeking advice, such as by trying to provide consultation in the native language of the person and ensuring that female officers handle cases involving women, while giving due consideration to the privacy of the parties seeking consultation.

Judges

252. The Legal Training and Research Institute, which is in charge of the training of judges, provides various types of training for judges who have been newly appointed or assigned new duties or posts, by inviting professors of graduate schools specializing in human rights issues and officials of organizations engaged in human rights protection to deliver lectures on various issues concerning international laws and regulations, such as related to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Through such training sessions, the institute has been working to enhance the understanding and awareness of judges concerning problems relating to trafficking.

253. Also at the Training and Research Institute for Court Officials, which is in charge of the training of court officials other than judges, training curricula include lectures on the guarantees of fundamental human rights and human rights protection via invited graduate school professors who specialize in the Constitution and officials of organizations engaged in human rights protection. Through such training, efforts are being made to enhance the understanding and awareness of court officials on various problems concerning trafficking in persons.

Public prosecutors

254. In various types of training for public prosecutors provided depending on their years of service, lectures are provided to ensure the appropriate handling of cases of trafficking in persons.

Staff of immigration offices

255. Officials in leadership positions in immigration offices attend "human rights training for staff of immigration offices" and "training for clerical staff on trafficking in persons and domestic violence cases," for which academic experts and persons from external organizations are invited to deliver lectures on domestic violence and trafficking in persons.

256. Officials who participated in such training sessions return to their respective offices and transmit to their subordinates the details of what they learned.

(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

257. The number of victims of trafficking in persons identified in Japan in 2010 totaled 43, out of whom 35 were women aged 18 or over, four were girls under 18, three were men 18 or over, and one was a boy under 18. By nationality, 28 were Filipino, 12 were Japanese, one was Thai, one was Chinese and one was Korean.

258. The number of victims of trafficking in persons identified in Japan in 2011 totaled 45, all of whom were women aged 18 or over. By nationality, 15 were Filipino, 13 were Indonesian, 12 were Thai, four were Japanese and one was Taiwanese.

259. The number of victims of trafficking in persons identified in Japan in 2012 was 27, out of whom 25 were women 18 or over and two were girls under 18. There were no male victims. By nationality, 11 were Japanese, 11 were Filipino, three were Thai, one was Taiwanese and one was Korean.

260. There is no statistical data on persons trafficked in transit through Japan.

Information on prosecutions and convictions as well as on sanctions imposed on perpetrators

261. Out of the 24 suspects pursued for trafficking in persons-related crimes by the police in 2010, 14 were prosecuted, while 10 were not, due to problems with evidence, etc.

262. Out of the 14 suspects prosecuted, 13 were sentenced to imprisonment with work (including the cumulative imposition of a fine) and one was punished with a fine. The suspects were sentenced to terms from four years and six months to ten months.

263. Out of the 33 suspects pursued for trafficking in persons-related crimes by the police in 2011, 21 were prosecuted, while 9 were not due to problems over evidence, etc. Two were referred to a family court while the remaining one was not referred to the Public Prosecutors Office by the police.

264. Out of the 21 suspects prosecuted, 19 were sentenced to imprisonment with work (including the cumulative imposition of a fine) and two were punished with a fine. The suspects' sentences ranged from four years to one year and two months.

265. Out of the 54 suspects pursued for trafficking in persons-related crimes by the police in 2012, 38 were prosecuted, while 14 were not due to problems over evidence, etc., and two were referred to a family court.

266. Out of the 38 suspects prosecuted, 32 were sentenced to imprisonment with work (including the cumulative imposition of a fine) and six were punished with a fine. Their sentences ranged from four years to ten months.

Question 24

267. The Technical Intern Training Programs aim to contribute to fostering human resources to lead the economic growth of developing countries and other nations, by means of transferring skills developed in Japan to those countries. However, under this program, problems arose, such as that technical interns[2] were in practice being treated as low-wage labourers. Therefore, the Immigration Control Act was revised in 2009 to strengthen the legal protection of technical interns.

268. Specifically, a new status of residence "Technical Intern Training" was created,[3] and it provides that practical training should be conducted under the regulations of labour protection laws[4] to help technical interns acquire skills. Furthermore, the structure of the guidance and supervision provided by supervising organizations was strengthened.

269. With regard to cases in which violations of the labour-related laws and regulations are suspected, such as sexual exploitation and forced labour of technical interns, on-site inspections are conducted on the program-conducting organizations and supervising organizations that are suspected of improperly accepting technical interns. When any wrongful act is discovered, a strict response is taken, such as sending a written notice to the relevant organizations in accordance with the type of wrongful acts and suspending their acceptance of technical interns for five years at most.

270. Additionally, various measures are taken for enhancing the collaboration with the relevant authorities and raising the awareness of supervising organizations, and efforts are being made to further promote the proper operation of the program by strengthening the structure of program-conducting organizations and supervising organizations that are suspected of improperly accepting technical interns and by proactively clarifying the actual conditions.

271. Before a technical intern begins any activities for acquiring skills, a program-conducting organization, etc. must take measures in advance, such as filing a notification to the effect that an insurance policy for industrial accident compensation insurance has been taken out.

272. An organization undertaking the Appropriate and Effective Promotion Program of Technical Intern Training Program implements a peripatetic audit of supervising organizations and program conducting organizations to directly check their compliance with labour-related laws and regulations and provide advice and guidance. Furthermore, a telephone consultation service is provided for technical interns in their native languages to

[2] Before the revision of the Immigration Control Act in 2009, they were referred to as "trainees and technical interns".

[3] Following the revision of the Immigration Control Act in 2009, the former status of residence "Trainee" is now categorized under the statuses of residence "Trainee" and "Technical Intern Training (i)," and the former status of residence "Designated Activities (Technical Intern Training)" is now categorized as the status of residence "Technical Intern Training (ii)."

[4] Acts pertaining to the protection of workers include the following:

- The Labour Standards Act;
- The Minimum Wages Act;
- The Industrial Safety and Health Act, etc.

consult about working conditions and issues in their daily lives. Additionally, a Technical Intern Trainee Handbook written in their native languages, which explains as the expectations for technical interns as well as labour-related laws and regulations concerning wages, working hours, occupational safety and health, etc. and contains information necessary for their daily lives, is issued to each technical intern, and supervising organizations provide lectures, including information relating to legal protection, based on the guidelines of the Ministry of Justice. Through these efforts, the rights of technical interns are being strengthened. If any serious violation is found as a result of peripatetic audits or consultations in their native languages, such information is provided to labour standards inspection agencies and immigration bureau offices.

273. Labour Standards Inspection Agencies endeavor to disseminate labour standards-related laws and regulations concerning technical interns to employers, etc., encouraging them to clarify the working conditions in writing upon concluding labour contracts and to pay proper wages. They adopt strict attitudes, including sending cases to the public prosecutor's office, in response to serious and heinous violations of labour standards-related laws and regulations and try to ensure proper implementation of the mutual reporting system with immigration bureau offices.

274. With regard to sexual harassment, employers assume their obligations as business operators under the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment. This Act requires employers to establish the necessary measures in terms of employment management to give advice to workers and cope with the problems of the workers, and take other necessary steps to prevent sexual harassment. Prefectural Equal Employment Offices take a tough line on violations of the said Act.

Question 25

Acquisition of nationality

275. A child born out of wedlock who had not been acknowledged before birth but was later acknowledged by the father, who is a Japanese citizen, may acquire Japanese nationality through notification to the Minister of Justice, if he/she is under twenty years of age (Article 3, paragraph (1) of the Nationality Act). Formerly, the parents being married was required for such a child to acquire Japanese nationality and this was pointed out as being unreasonable discrimination. However, on June 4, 2008, the Supreme Court delivered a judgment that the former provision of the Nationality Act, which had required the parents to be married, is in violation of the Constitution of Japan. In response to this judgement, a revision of the Nationality Act in December 2008 removed the requirement of the parents being married and now such a child is only required to have been acknowledged by the father or the mother. Therefore, discrimination concerning the acquisition of nationality has been eliminated.

Inheritance rights

276. On September 4, 2013, the Grand Bench of the Supreme Court made a decision to the effect that the provision of the (Former) Civil Code, which provided that the share in inheritance of a child born out of wedlock shall be one half of the share in inheritance of a child born in wedlock, is in violation of the Constitution of Japan. In response to this decision, the Civil Code was revised in December 2013 to make the share in inheritance of a child born out of wedlock equal to that of a child born in wedlock.

Birth registration

277. Together with the bill to revise the Civil Code mentioned above, the submission of a bill to revise the Family Register Act was also discussed with the aim of amending its provision that requires a written notification of birth to contain a statement as to whether the child was born in wedlock or out of wedlock and eliminating such a statement from a written notification of birth. However, there were various opinions among the ruling parties and the Cabinet did not reach a decision to submit the bill to the Diet.

278. The amendment of this provision was also discussed in 2010, but the ruling parties could not reach an agreement and the bill was not submitted to the Diet.

Question 26

279. Under the Penal Code of Japan, sexual intercourse with a female under 13 years of age constitutes rape, irrespective of the means or whether or not there was consent. The Third Basic Plan for Gender Equality, which was adopted by the Cabinet in December 2010, stipulates that penal provisions for sexual crimes should be reviewed, including raising the minimum age of sexual consent, by the end of March 2016. The Government of Japan is conducting necessary examinations such as surveying the legal systems concerning sexual crimes in foreign countries and recent tendencies in punishment in Japan.

Question 27

280. Article 3 of the Act on the Prevention, etc. of Child Abuse provides that no one should abuse children. Although the said Act does not explicitly prohibit corporal punishment, Article 2 defines the term “child abuse” as physical abuse, sexual abuse, neglect and spiritual abuse, from which it can be interpreted that corporal punishment in the home is also included.

281. In terms of legislation pertaining to child abuse, a system to terminate parental authority was newly created and abuse was clearly indicated as grounds for losing parental authority in April 2012 as a result of the revision of the Civil Code. Furthermore, the Child Welfare Act was revised and (i) directors of child guidance centers are now given the right to request a court trial for the termination of parental authority and loss of the right of administration of property; (ii) it is provided that when the director of a child guidance center intends to take necessary measures concerning the custody of a child for his/her welfare, the person who has parental authority must not obstruct said measures unreasonably; and (iii) a new measure has been introduced to allow the director of a child guidance center to assume parental authority when a child who is entrusted to a foster parent or is under temporary protective custody has no person filling this role. Efforts are being made to properly implement these new systems.

282. Efforts are also being made to prohibit corporal punishment at schools, and the Ministry of Education, Culture, Sports, Science and Technology (MEXT) has tried to widely disseminate the fact that any corporal punishment is strictly prohibited under Article 11 of the School Education Act, using various publications, and has repeatedly provided guidance for eliminating corporal punishment by issuing written notices to boards of education and schools and holding awareness-raising meetings.

283. Specifically, MEXT issued a request entitled “Complete Prohibition of Corporal Punishment and Survey on Corporal Punishment” in January 2013, and a notice entitled “Prohibition of Corporal Punishment and Thorough Guidance Based on Understanding of Students” in March 2013, thereby seeking complete elimination of corporal punishment, while explaining the distinction between disciplinary punishment and corporal punishment,

indicating matters to be noted in guiding club activities, and requesting reports in the event that any corporal punishment is found. In May 2013, MEXT prepared the "Guidelines for Guiding Sports Club Activities" and delivered it to all lower and upper secondary schools in order to eliminate corporal punishment from sports club activities and ensure coaching without inflicting physical punishment.

284. In August 2013, MEXT compiled and publicized the actual conditions regarding corporal punishment in national, public and private schools in FY2012.

285. Based on the compiled results, MEXT issued a notice entitled "Thorough Efforts for Eliminating Corporal Punishment," verified its previous measures and expressed its commitment to further strengthen efforts for preventing and eliminating corporal punishment. Such efforts include the following:

(i) Systematic efforts for preventing corporal punishment;

(ii) Thorough understanding of the actual conditions;

(iii) Prompt response when any incidence of corporal punishment is found as well as prevention of recurrence.

286. In October 2013, MEXT held an Emergency Liaison Conference Based on Understanding of the Actual Conditions of Corporal Punishment to help the relevant parties, such as boards of education and schools, better understand the significance of prohibiting corporal punishment.

287. When the Human Rights Organs of the Ministry of Justice receive any report or information on corporal punishment through human rights counseling via the Children's Rights Hotline or from newspapers or other media, they conduct investigations by such means as questioning the parties concerned with the intention of providing remedy and preventing violations of human rights of the relevant child, and take appropriate measures on the cases, based on the results of the investigations, such as requesting the teacher who inflicted corporal punishment upon the child to make improvements and requesting the principal of the relevant school to take measures to prevent the recurrence of corporal punishment. The organs also conduct promotion activities in collaboration with schools and local communities, etc.

288. The number of human rights infringement cases concerning corporal punishment in 2008, 2009, 2010, 2011 and 2012 was 198, 268, 337, 279 and 370, respectively.

Question 28

289. Examples of the arrangements made by relevant authorities in Japan are as follows.

290. The Human Rights Organs of the Ministry of Justice place articles concerning the Covenant on a leaflet for promotion activities on human rights. The leaflet is distributed at "Workshops for Training Human Rights Promotion Leaders" for the staff of local governments and is utilized throughout the year in various nationwide promotion activities.

291. Furthermore, the Human Rights Organs of the Ministry of Justice dispatch speakers to give lectures on human rights at various training sessions held within the government, and also organize a "Training Session on Human Rights for National Public Officials", targeting officials of central government ministries, twice every year. Promotion activities on human rights are thus carried out.

292. For judges who assume new duties or posts, lectures are provided on international trends and problems, including those concerning the Covenant, various human rights issues of women, children and foreign nationals and related measures. Through such training,

efforts are being made to enhance the understanding and awareness of judges on international human rights issues.

293. Lectures are also provided for court officials other than judges, under the theme of the guarantee of fundamental human rights, human rights protection, gender equality, domestic violence problems, etc. Through such training, efforts are being made to enhance the understanding and awareness of court officials on international human rights issues.

294. In various types of training for public prosecutors provided depending on their years of service, lectures concerning international treaties relating to human rights, including the Covenant, are provided to disseminate knowledge thereof.

295. At the Training Institute for Correctional Personnel, collective training programs are implemented for education and training of correctional personnel systematically and intensively based on annual plans; and also at each correctional institution, various types of practical training are provided in accordance with the circumstances. During these training sessions, which incorporate multiple subjects related to human rights, ethics, and service regulations in order to cultivate respect for human rights and prevent unreasonable treatment of inmates of institutions, lectures and practical training on related domestic laws, international treaties, and guidelines, etc. are provided.

296. As part of training for Immigration Bureau officials according to their years of service, lectures concerning the guarantee of fundamental human rights, the current status of human rights protection, and matters relating to trafficking in persons are provided. Additionally, the Immigration Bureau of Japan provides lectures on various human rights-related treaties with the aim of deepening officials' knowledge of human rights issues and helping them perform their duties with even greater ability.

297. As part of training for police officers who are in charge of duties closely related to human rights such as criminal investigations, Principles of Work Ethics prioritizing respect for human rights have been established and human-rights education has been proactively promoted, while setting up education on work ethics as the centerpiece of police instruction. Police officers newly recruited are provided with education on respect for human rights and on the necessity to give due consideration to victims, mainly female victims, of sexual crimes and domestic violence, etc.

298. For police officials engaged in criminal investigations, detention duties and duties to support crime victims, etc., instruction is provided to have them acquire knowledge and skills necessary for performing their duties properly with due consideration to the human rights of suspects, detainees and victims.

299. For school teachers, efforts are being made, in light of the purport of the Covenant, to disseminate knowledge on human rights education, prohibition of corporal punishment and prevention of child abuse, etc. on such occasions as meetings of supervisors for school education.

300. When preparing the Sixth Periodic Report of the Government of Japan, we collected opinions broadly from the general public via the website of the Ministry of Foreign Affairs, and also held meetings to exchange views with NGOs and other interested individuals with the aim of using their views as reference.

Annex

(Translation)
Letter from Prime Minister to the former comfort women

Dear Madam,

On the occasion that the Asian Women's Fund, in cooperation with the Government and the people of Japan, offers atonement from the Japanese people to the former wartime comfort women, I wish to express my feelings as well.

The issue of comfort women, with an involvement of the Japanese military authorities at that time, was a grave affront to the honor and dignity of large numbers of women.

As Prime Minister of Japan, I thus extend anew my most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

We must not evade the weight of the past, nor should we evade our responsibilities for the future.

I believe that our country, painfully aware of its moral responsibility, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations.

Furthermore, Japan also should take an active part in dealing with violence and other forms of injustice to the honor and dignity of women.

Finally, I pray from the bottom of my heart that each of you will find peace for the rest of your lives.

Respectfully yours,

Prime Minister of Japan