

**International Covenant on Civil and Political Rights  
(ICCPR)**

**Replies to a List of Issues prior to submission of  
the seventh periodic report of Japan**

**Government of Japan**

**Annex**

## **1 Question 5**

### **Provisions on the prohibition of discriminatory treatment in various fields**

- (1) Regarding employment, Article 3 of the Labor Standards Act stipulates that an employer shall not discriminate against its workers with respect to wages, working hours or other working conditions on the basis of their nationality, creed or social status.
- (2) Regarding education, Article 26 of the Constitution of Japan provides that all people shall have the right to receive an equal education correspondent to their ability, as provided by law, and following this provision, Article 4 of the Basic Act on Education provides that the people must be given equal opportunities to receive an education correspondent to their abilities, and must not be subjected to discrimination in education on the basis of their race, creed, sex, social status, economic position, or family origin.
- (3) Regarding medical care, relevant laws, such as the Medical Practitioners' Act, Dental Practitioners Act and Pharmacists Act, stipulate that any request such as examination, treatment and dispensing must not be rejected without just cause.
- (4) Regarding transportation, relevant laws such as the Civil Aeronautics Act and Railway Business Act stipulate that unfair and discriminatory treatment is prohibited and may be corrected.

## **2 Question 6**

### **Initiatives by the Government against hate speech**

- (1) With regard to the human rights issues including hate speech, in the case that incidents that are suspected to be human rights violations are detected through human rights counselling services, the Ministry of Justice promptly investigates and takes appropriate measures to address each incident. For example, these include measures such as “assistance” to provide legal advice, “conciliation” to mediate talks between the parties concerned, “instructions” or “recommendations” that require human rights violators to improve the situation, and “requests” that are made with respect to persons who are capable of responding in an effective manner.
- (2) Since online information of human rights violation which is disseminated quickly may cause serious damage, swift actions are taken. When a human rights violation case, including online defamation, or violation of privacy, is recognized, the Ministry of Justice takes appropriate measures such as asking Internet service providers to delete the information as needed.
- (3) Moreover, for the elimination of bias and discrimination based on race and nationality, the Ministry of Justice has been carrying out various and nationwide activities to improve each citizen's awareness and understanding of human rights throughout the year, in collaboration

with local public entities and civil society groups. Examples of such activities include poster campaigns, holding lectures and training sessions, and placing Internet banner advertisements on portal sites.

(4) In October 2016, the Ministry of Internal Affairs and Communications requested associations of communications enterprises to inform each of the member companies that they would take appropriate measures against hate speech on the Internet based on their terms and conditions.

(5) Moreover, in March 2017, the Ministry of Internal Affairs and Communications supported, together with the Ministry of Justice, the revision work of the commentary on the Model Terms and Conditions for internet services formulated by such associations. The revised commentary clearly states that so-called hate speech, including “unfair discriminatory speech and behavior against persons originating from outside Japan,” is considered as a prohibited act.

### **3 Question 7**

Specific measures on education for eliminating discrimination and stigma against students of sexual minorities include the following:

- The issuance of a notice on the implementation of meticulous support for students of sexual minorities including the enhancement of the educational counselling system, accompanied by the presentation of specific matters for consideration in schools for those students (the Notice from Director of the Student Affairs Division dated April 30, 2015)
- Development of a pamphlet for awareness-raising for teachers based on the above notice (April 1, 2016) and distribution of the pamphlet to all elementary, secondary, and high schools (July 1 the same year)
- Thorough instruction on implementation of the Notice and the pamphlet in a wide range of meetings and training sessions such as trainings for human rights education instructors for the people in charge of human rights education in boards of education and schools.

### **4 Question 10**

#### **(1) Related provision (i) in the Fourth Basic Plan for Gender Equality**

Priority Field 7: Elimination of all forms of violence against women

1 Building a foundation for the prevention and elimination of violence against women

Specific initiatives

(D) Surveys and research concerning violence against women

(i) Carry out the necessary examination of violence in serious cases, analyze the factors that can easily result in serious harm, and utilize the results in measures going forward.

(ii) Consider the forms of data that accurately shows the actual state of violence against women including the reasons why the victims cannot speak out, and implement surveys and research which contribute to raising awareness of problems in society and to the formulation and implementation of effective measures.

## **(2) Related provision (ii) in the Fourth Basic Plan for Gender Equality**

Priority Field 7: Elimination of all forms of violence against women

Basic approach (extract)

Furthermore, in the case that the victims are children, elderly people, persons with disabilities or foreign nationals, it is essential to give sufficient consideration to their background circumstances, and to take the perspective of offering meticulous support based on the form of the violence or the characteristics of the victim, and in particular, in the case of spousal violence it is necessary to consider the negative impact on not only the victim but also the victim's children.

## **(3) Initiatives for Combatting Violence against Women and Supporting Women Victims**

### **i. The Police**

The police have established a framework dedicated to respond to cases of spousal violence across the nation since 2013. Under the command of the chief of a police station, with the guidance and support of the police headquarters, they systematically assess the risk, protect victims, and respond to perpetrators on a 24-hour basis. While the police conduct protection measures, giving top priority to ensuring the safety of victims, they endeavor to arrest perpetrators through active application of the laws.

In 2018, the number of consultations on spousal violence cases\* with the police amounts to 77,482, which is the largest number since the Spousal Violence Prevention Act was brought into force in 2001.

The police are making efforts to develop an environment which makes it easy for victims to consult with the police, including through offering consultations by female police officers and ensuring that victims do not see perpetrators when coming for consultations. Furthermore, the police provide support to the victims who have visited for consultation so that they can make decisions by themselves. The police give easy-to-understand explanations with illustrations regarding the risks involved in the case and the measures that can be taken by police officers.

Moreover, in order to secure the safety of victims in highly dangerous and urgent cases, when there is a need to evacuate the victim urgently and temporarily, the police pay the expenses arising from such temporary evacuation to accommodation facilities including hotels. In addition, the police loan out security equipment such as security cameras and emergency call units, and conduct patrols in the vicinity of the victims’ homes as needed.

Interpreters and police officers who have the necessary language skills serve victims who are foreign nationals as needed.

\* The number of consultations with the police nationwide, from victims who suffered bodily harm or life threatening intimidation by their spouse

	2015	2016	2017	2018
Number of consultations	63,141	69,908	72,455	77,482
Cleared Cases related to spousal violence	8,006	8,387	8,419	9,079
Assistance based on the Spousal Violence Prevention Act	21,642	21,271	21,904	21,846

**ii. The Ministry of Health, Labour and Welfare**

At the Ministry of Health, Labour and Welfare, the Women’s Consulting Offices provide consultation services concerning domestic violence. They also provide temporary protection for the victims and their accompanying family members or commission private shelters when necessary. Furthermore, if such victims need mid- to long-term support even after the temporary protection, the necessary support is provided in Women’s Protection Facilities. In addition, the Ministry is making efforts to establish an appropriate support framework for women in the facilities by assigning more staff members to provide meticulous support based on individual cases, for example, staff members in charge of psychotherapy who provide mental care to domestic violence victims, in Women’s Consulting Offices, temporary protection facilities and Women’s Protection Facilities or counsellors who provide care to accompanying children.

**iii. The Ministry of Justice**

The Human Rights Bureau of the Ministry of Justice has opened the “Women’s Rights Hotline,” a dedicated counseling telephone hotline, in the Legal Affairs Bureaus and District Legal Affairs Bureaus nationwide, and the staff members of the Legal Affairs Bureaus and District Legal Affairs Bureaus provide human rights counseling services for women, including counseling about domestic violence. Furthermore, regarding human rights counseling from foreign nationals, the Ministry has set up the Foreign-language Human Rights Hotline which is

available in ten languages, and in addition, Human Rights Counseling Centers for Foreigners have been opened and counseling services are provided at Legal Affairs Bureaus and District Legal Affairs Bureaus nationwide.

**(4) Trainings at the Immigration Services Agency**

The Immigration Services Agency invites external lecturers from the relevant ministries and agencies to present lectures about the current situation surrounding measures to combat domestic violence and related issues. In addition, the Agency holds annual training sessions which include a session of case studies concerning domestic violence for mid-level officers. Twenty-three participants received the training in fiscal year 2017.

**5 Question 17**

**(1) The Number of cases of day and night single-person room treatment in 2012 and 2016 (based on the fourth type of restriction category)**

	4th type	Number of cases of single-person room detention for ten years or more (in medical prison)
2012	2221	21 (7)
2016	1232	32 (12)

Note: All of the figures are as of April 10 in the specified year. The survey targets were not all of the penal facilities but rather all of the main prisons and branch prisons and Sapporo Branch Detention Center, Yokohama Branch Detention Center, Saitama Branch Detention Center and Kokura Branch Detention Center.

**(2) Fourth type of restriction category**

In the penal facilities, the restrictions over the inmates’ livelihood and behavior to maintain the discipline and order of the facility are gradually relaxed according to an increase in likelihood of achieving the purposes of arousing the willingness of the inmates to rehabilitate themselves and of developing their ability to adapt to life in society. They are designated under categories from the 1st type to the 4th type depending on the extent of the relaxation of those restrictions. Inmates for whom group treatment is recognized to be difficult due to the fact that they have a serious lack of willingness to work such as neglecting their work without legitimate

reason, or due to the fact that they have a poor attitude toward life, are sometimes designated under the fourth type of restriction category on the grounds that they are not likely to achieve the above purposes. In principle, inmates designated to be in the fourth type of restriction category are assigned the day and night single-person room treatment.

**(3) Isolation**

In the penal facilities, an inmate may be isolated from the other inmates in cases where there is a risk that the inmate disrupts discipline and order in the penal facilities by making contact with other inmates and in cases where there is a risk that the inmate is exposed to harm by other inmates (Article 76 of the Act on Penal Detention Facilities). The treatment of isolated inmates shall consist of detention in a single-person room and disconnection from other inmates. For example, activities outside of the inmate’s room including physical exercise and bathing are carried out alone.

Even for isolated inmates, meaningful human contact is maintained, including daily contact with staff members and outside contact through visits and by sending and receiving communications, consultations and advice from staff members.

	Number of isolations	Number of isolations for ten years or more
2012	16	0
2016	7	0

Note: All of the figures are as of April 10 in the specified year. The survey target is not all of the penal facilities but rather all of the main prisons and branch prisons.

**6 Question 18**

**(1) Related Clause of the Japan-ROK Claims Settlement Agreement**

Article II. 1

The Contracting Parties confirm that [the] 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, including those provided for in Article IV, paragraph (a) of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, is settled completely and finally.

**(2) Specific initiatives of the Asian Women’s Fund (AWF)**

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/authorities and other bodies and wished to receive the funds. As a result, 285 former comfort women (211 persons in the Philippines, 61 persons in the Republic of Korea, 13 persons in Taiwan) received funds. Moreover, in addition to the “atonement money,” the AWF provided funds for medical and welfare support in those countries and area (3 million yen per person in the Republic of Korea and Taiwan, 1.2 million yen in the Philippines), 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 the former comfort women in the Netherlands who suffered incurable physical and psychological wounds during World War II. The Government donated a total of approximately 4.8 billion yen as the funds necessary for the AWF projects and provided maximum cooperation for those projects, including funding for programs to offer medical care and welfare support to former comfort women (of a total of 1.122 billion yen) and the payment of “atonement money” from donations of the people of Japan.



**(3) A letter sent by the Prime Minister of Japan, on behalf of the Government of Japan, expressing apologies and remorse directly to each former comfort woman**

(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 responsibilities, 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

#### **(4) Announcement by Foreign Ministers of Japan and the Republic of Korea at the Joint Press Occasion**

##### **1. Foreign Minister Kishida**

The Government of Japan and the Government of the Republic of Korea (ROK) have intensively discussed the issue of comfort women between Japan and the ROK at bilateral meetings including the Director-General consultations. Based on the result of such discussions, I, on behalf of the Government of Japan, state the following:

(1) 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, and the Government of Japan is painfully aware of responsibilities from this perspective. As Prime Minister of Japan, Prime Minister Abe expresses anew his 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.

(2) The Government of Japan has been sincerely dealing with this issue. Building on such experience, the Government of Japan will now take measures to heal psychological wounds of all former comfort women through its budget. To be more specific, it has been decided that the Government of the ROK establish a foundation for the purpose of providing support for the former comfort women, that its funds be contributed by the Government of Japan as a one-time contribution through its budget, and that projects for recovering the honor and dignity and healing the psychological wounds of all former comfort women be carried out under the cooperation between the Government of Japan and the Government of the ROK.

(3) While stating the above, the Government of Japan confirms that this issue is resolved finally and irreversibly with this announcement, on the premise that the Government will steadily implement the measures specified in (2) above. In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.

##### **2. Foreign Minister Yun**

The Government of the Republic of Korea (ROK) and the Government of Japan have intensively discussed the issue of comfort women between the ROK and Japan at bilateral meetings including the Director-General consultations. Based on the result of such discussions, I, on behalf of the Government of the ROK, state the following:

(1) The Government of the ROK values the GOJ's announcement and efforts made by the Government of Japan in the lead-up to the issuance of the announcement and confirms, together with the GOJ, that the issue is resolved finally and irreversibly with this announcement, on the premise that the Government of Japan will steadily implement the measures specified in 1. (2)

above. The Government of the ROK will cooperate in the implementation of the Government of Japan's measures.

(2) The Government of the ROK acknowledges the fact that the Government of Japan is concerned about the statue built in front of the Embassy of Japan in Seoul from the viewpoint of preventing any disturbance of the peace of the mission or impairment of its dignity, and will strive to solve this issue in an appropriate manner through taking measures such as consulting with related organizations about possible ways of addressing this issue.

(3) The Government of the ROK, together with the Government of Japan, will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations, on the premise that the Government of Japan will steadily implement the measures it announced.

## **7 Question 19**

### **(1) Specialized Trainings to Relevant Officials**

(i) The Immigration Services Agency invites lecturers from the related ministries and agencies, the International Organization for Migration (IOM), and NGOs and holds training sessions every year for mid-level officers involved in operations related to trafficking in persons. In the training sessions, they learn about the current situation of and issues related to measures to combat trafficking in persons while mastering the skills of victim identification techniques and handling methods and studying examples of trafficking in persons (23 participants received the training in fiscal year 2017). Furthermore, officers who have received the training are obligated to give feedback and training to officers in the field. Moreover, in the mandatory training session for all of the officers of the Immigration Services Agency based on their years of service, lectures on human rights are given to improve their knowledge and awareness concerning measures to combat trafficking in persons.

(ii) The Ministry of Health, Labour and Welfare presents lectures on trafficking in persons in the training implemented every year for labor standards inspectors in about their fourth year after appointment, and encourages them to understand the role of Labor standards inspection authorities in promoting measures to combat trafficking in persons.

(iii) Japan Coast Guard gives lectures on the actual situation of human trafficking and the importance of protecting victims of trafficking through annual training programs for working-level officials so that they can detect trafficking during the process of investigations.

(iv) The police provide education and training on important points for identifying, protecting, and supporting victims of trafficking in persons to police officers who could possibly encounter them or the people involved with them through nationwide meetings and training sessions held in the National Police Academy. In the education and training, guidance is given to create an environment which makes it easy for people to consult and where sufficient consideration to their privacy is to be given. For example, if a foreign national comes for consultation, consultation is to be offered in his or her native language. Moreover, if a woman comes for consultation, she is to be supported by female police staff.

(v) In the training course for newly appointed consular officers and mid-level training, every fiscal year, the Ministry of Foreign Affairs delivers lectures on measures to prevent and combat trafficking in persons, including the role that visas play as a border control measure, as well as considerations to take when interviewing former victims. A total of 81 officials attended the lectures in fiscal year 2018. Similar lectures were also given during training to 84 security officers to be stationed at Japanese Embassies and Consulates. For those who are eligible for these training and also for other consular officers who are currently or to be posted at Japanese Embassies and Consulates, lectures are given on collaboration with the relevant organizations in the countries of posting from the perspective of preventing human trafficking.

## **(2) Protection of Victims and Support Measures**

(i) The Japan Legal Support Center provides information in various languages, makes its service well-known, and gives legal support concerning the following: if a victim lawfully resides in Japan, and satisfies income and other requirements, the victim may use the civil legal aid for claiming for damages against the trafficker; when the victim participation system is used for criminal proceedings, travel and other expenses for court appearances will be paid; and if a victim satisfies income and other requirements, the victim may request the appointment of court-appointed attorneys for participating victims.

(ii) The Human Rights Bodies of the Ministry of Justice provide counseling services about human-rights issues, including trafficking in persons, at the Legal Affairs Bureaus and the District Legal Affairs Bureaus and their Branch Offices nationwide. Furthermore, regarding human rights counseling from foreign nationals, they have set up the Foreign-language Human Rights Hotline which is available in ten languages. In addition to that, Human Rights Counseling Centers for Foreigners have been opened and are providing counseling services at

Legal Affairs Bureaus and District Legal Affairs Bureaus nationwide.

(iii) The Immigration Services Agency developed the Guidelines for Measures pertaining to Cases of Trafficking in Persons in July 2005 and those guidelines describe that when interviewing a person who is or possibly may be a victim of trafficking in persons, communication must, as far as possible, be facilitated through an interpreter of the native language of the victim. Furthermore, among the victims of trafficking in persons who were detected in or after 2005, when the Agency started compiling statistics pertaining to victims of trafficking in persons, all the victims of foreign nationality who were technically in violation of the Immigration Control Act were granted special permission to stay in order to ensure stabilization of the legal status of victims.

(iv) Under the restitution order system provided for in Article 23 and subsequent articles of the Act on Measures Incidental to Criminal Proceedings for Protecting the Rights and Interests of Crime Victims, in certain criminal cases, the court dealing with the said defendant case will order the defendant to pay damages due to claims from victims. Crimes subject to the above include those of for-profit abduction and kidnapping as prescribed in the Penal Code, which are collateral penalties for trafficking in persons under the Trafficking in Persons Protocol.

(v) Since 2005, through contributions to the IOM, the Government has been providing support to victims of foreign nationality identified in Japan, including assistance for voluntary return to their home countries as well as integration assistance after returning to their home countries (such as provision of transportation to final destinations, temporary shelters, legal support, counselling/psychosocial assistance as well as medical care assistance, educational /vocational training, assistance of setting-up of small business, and etc.) (The number of voluntary returning assistance up to November 1, 2019 is 331)

(vi) The Ministry of Foreign Affairs has distributed multilingual handbills published by the National Police Agency for the purpose of enhancing awareness raising of trafficking in persons and identification of the victims, which show a variety of emergency contacts to get help in nine languages to the relevant embassies and consulate generals in the main countries of origins of victims identified in Japan.

### **8 Question 20**

#### **Report to the Labor Standards Inspection Offices**

(1) Paragraph 1 of Article 104 of the Labor Standards Act stipulates that “in the event that a violation of this Act or of an ordinance issued pursuant to this Act exists at a workplace, a Worker may report such a fact to the relevant government agency or to a labor standards inspector.”

(2) A “report” is a notification of certain facts to the relevant administrative agency, and in the case of the Labor Standards Act, it refers to a worker’s notification of a factual violation to encourage the supervising administrative authority.

### **9 Question 21**

The refugee examination counselors shall be appointed by the Minister of Justice from among persons of reputable character who are capable of making a fair judgment on requests for an administrative review and have an academic background in law or current international affairs (Paragraph 2 of Article 61-2-10 of the Immigration Control Act). Furthermore, when making the appointment, the Minister of Justice receives recommendations from the Office of the United Nations High Commissioner for Refugees (UNHCR), the Japan Federation of Bar Associations, NGOs and others.

### **10 Question 22**

#### **The related provisions of the Act on the Protection of Personal Information Held by Administrative Organs**

Article 3 An Administrative Organ may retain personal information only when the retention is necessary for performing the affairs under its jurisdiction provided by laws and regulations, and shall specify the purpose of use of personal information as much as possible upon such retention.

2 An Administrative Organ shall not retain personal information beyond the scope necessary for the achievement of the purpose of use specified pursuant to the preceding paragraph (hereinafter referred to as the “Purpose of Use”).

3 An Administrative Organ shall not change the Purpose of Use beyond the scope in which it is reasonable to find that the changed Purpose of Use is appropriately relevant to the original Purpose of Use.

## **11 Question 24**

### **Judgment of the Supreme Court in April 1968 [extract]**

#### **1. Regarding the argument concerning Articles 138 and 142 of the Public Offices Election Act**

The fact that certain regulations such as the prohibition on door-to-door visits stipulated in Article 138 of the Public Offices Election Act and the restriction of the distribution of electoral documents stipulated in Article 142 of the said Act do not violate Article 21 of the Constitution is made clear by the judgments of the Grand Bench of the Supreme Court (1949 (Re) No. 2591; Grand Bench Decision of September 27, 1950, *Keishu* Vol. 4, No. 9, p. 1799; 1953 (A) No. 3147, April 6, 1955, *Keishu* Vol. 9, No. 4, p. 819), so the Court does not consider it necessary to change these regulations now. [Omitted]

#### **2. Regarding the argument concerning Article 129 of the Public Offices Election Act**

The aforementioned judgments of the Grand Bench of the Supreme Court make it clear that there naturally are necessary and reasonable restrictions on the freedoms of speech, publication and other expression guaranteed by Article 21 of the Constitution for public welfare. Incidentally, under a circumstance where the conduct of election campaigning in public offices is always allowed, elections may invite unfair and unnecessary competition. In addition, such a circumstance would cause illicit behaviours due to difficulties of regulating election activities, leading to an undermining of the fairness of elections. Furthermore, wasteful expenses and labor would escalate, leading to unfair results due to differences in financial capacity. This may eventually result in the corruption of elections. In order to prevent these sorts of adverse effects and ensure the fairness of elections, it is necessary to restrict the duration of election campaigns to reasonable and not over-long periods and fix the starting time so that every candidate can engage in election campaigns under as equal conditions as possible. The prescription in Article 129 of the Public Offices Election Act — that candidates shall engage in election campaigning only from the day of notice of standing in an election until the day before the voting day of the said election — was conceived with the purpose of addressing the above issues. The purpose of ensuring fair elections is to maintain public welfare. This is why we consider restricting the period for election campaigning and prohibiting campaigning before the said period as a necessary and reasonable restriction on freedom of expression which is guaranteed by the Constitution. Therefore, this court finds that Article 129 of the Public Offices Election Act does not violate Article 21 of the Constitution [remainder omitted].

### **12 Question 25**

#### **Related provisions of the Act on the Protection of Specially Designated Secrets (Implementation Standards for the Designation of Specially Designated Secrets)**

Article 18 The government shall formulate standards to ensure uniform implementation in connection with the designation of specially designated secrets and the termination of the designation as well as the conduct of the Security Clearance Assessment.

2 When intending to formulate or revise the standards referred to in the preceding paragraph, the Prime Minister must prepare a draft of the standards after hearing the opinions of persons with distinguished insight into matters such as the protection of information concerning Japan's national security, the disclosure of information held by Administrative Organs, etc., and the management of public records, etc., and must seek a Cabinet decision on the draft.

### **13 Question 26**

#### **The Local Public Service Act: Chapter III, Section 6: Performance of Duty**

##### **Article 30 (Basic Standard for Performance of Duty)**

Every member of the personnel, as a servant of the whole community, must attend to his/her duties in the interest of the public and exert his/her utmost in the performance of his/her duties.

##### **Article 32 (Duty of Obedience to Laws and Orders, etc. and Superiors' Orders on Matters pertaining to Performance of Duty)**

The personnel, in the performance of their duties, must comply with laws and orders, by-laws, regulations of the local public body and rules fixed by agencies of the local public body, and faithfully observe their superiors' orders on matters pertaining to the performance of their duties.

### **14 Question 28**

#### **(1) Summary of the Judgment of the Supreme Court in February 1995 (Supreme Court 1993 (Gyo-Tsu) 163)**

“Their several communities” in Paragraph 2 of Article 93 of the Constitution refers to Japanese nationals and the said article does not guarantee the right of foreign nationals residing in the area to vote in local elections. The Constitution does not prohibit from developing a law to grant voting rights in local elections to those foreign nationals with permanent resident status who have come to have an especially close relationship with the local government in the area



of residence, but that is a matter of the legislative policies of the state. Therefore, such legislations are not developed and the issue of unconstitutionality would not emerge. Therefore, the provisions of Articles 11 and 18 of the Local Autonomy Act as well as Paragraph 2 of Article 9 of the Public Offices Election Act which limit the right to vote to residents who are Japanese nationals are not unconstitutional.

## **(2) Provisions from the Constitution of Japan**

Article 15 The people have the inalienable right to choose their public officials and to dismiss them.

(ii) [Omitted]

(iii) Universal adult suffrage is guaranteed with regard to the election of public officials.

Article 93 [Omitted]

(ii) The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

### **• Local Autonomy Act**

Article 11 Residents of local public entities who are Japanese nationals have the right to participate in elections for the local public entities to which they belong, as stipulated in this law.

Article 18 Persons who are Japanese nationals, over twenty years old, and have continuously had an address within the area of a municipality for three months or more have the right to vote for the council members and heads of the local government to which they belong, as separately prescribed in the law.

### **• Public Offices Election Act**

Article 9 [Omitted]

2 Persons who are Japanese nationals, over twenty years old, and have continuously had an address within the area of a municipality for three months or more have the right to vote for the council members and heads of the local government to which they belong.

## **15 Question 29**

### **(1) Regeneration project for the traditional living spaces (Iwor) of the Ainu**

This is a project to ensure that the natural materials such as trees and herbs necessary for the inheritance of the Ainu culture can be available in forests and along shorelines and to form a space where the transmission of the Ainu culture can be carried out using those materials.

**(2) Assistance for the promotion of the Ainu culture and Ainu language**

The Agency for Cultural Affairs provides subsidies every year to the projects pertaining to the promotion of the Ainu culture and Ainu language carried out by the Foundation for Ainu Culture. For example, a range of Ainu language courses tailored to different learning levels, the development of instructors, radio courses, and Ainu language speech competitions are being conducted with such subsidies. Furthermore, in order to contribute to the preservation and inheritance of the Ainu language and develop an environment in which the traditional Ainu language can be encountered easily and utilized in learning, the Agency for Cultural Affairs is providing support for the creation of an archive of the Ainu language. In addition, it plans to advance initiatives for the promotion of the Ainu language, such as presenting exhibits on the Ainu language in the basic exhibition room of the National Ainu Museum which is scheduled to open in April 2020 and using the Ainu language in the captions of the exhibits and the audio guides.