

Follow-up to the Concluding Observations of the Human Rights Committee (CCPR/C/JPN/CO/7)

Information from the Government of Japan

1. In the concluding observations of the Human Rights Committee on the Seventh Periodic Report submitted by Japan (CCPR/C/JPN/CO/7), the Committee requested relevant information on the implementation of specific recommendations (paragraphs 7, 33 and 45). The present situation of the implementation of the recommendations concerned is as described below. The Government of Japan would like to continue constructive dialogue with the Committee.

Responses to recommendations made in paragraph 7 – National human rights institution

2. The Government is constantly reviewing a framework for Japan's human rights remedy system, while bearing in mind the discussions conducted thus far.

Responses to recommendations made in paragraph 33 – Treatment of aliens, including refugees and asylum-seekers

Re: paragraph 33(a)

3. In the refugee recognition examination process, the Government refers to various documents prepared by the United Nations High Commissioner for Refugees (UNHCR) and practices in other countries.

4. In developing the "Guide to Eligibility Determination for Refugee Status," which mainly summarizes the points to be considered when determining eligibility for refugee status, the documents and practices referred to in paragraph 3 have been consulted and opinions from UNHCR have been received.

5. Taking these points into consideration, the eligibility determination for refugee status in Japan is in line with international trends in refugee protection.

6. The Immigration Services Agency (ISA) actively exchanges information with authorities in foreign countries that record a high number of refugee recognitions. Specifically, the ISA acquires information, if necessary, on the following points:

- (1) whether the approach to recognizing refugee status in Japan differs significantly from that in foreign countries;
- (2) whether there are more appropriate points to be considered when determining eligibility for refugee status; and
- (3) whether information on applicants' countries of origin considered during the examination process

in Japan is as comprehensive as that considered in foreign countries.

7. Furthermore, the Amendment Act of the Immigration Control and Refugee Recognition Act came into effect on December 1, 2023, providing for, inter alia, the establishment of a system for recognizing persons eligible for complementary protection for the purpose of securely protecting displaced persons from conflict and other similar persons who are not “refugees” under the Refugee Convention but need protection in the same way as “refugees.”

8. Through the appropriate enforcement of the current Immigration Control and Refugee Recognition Act, the Government recognizes refugee status and eligibility for complementary protection in line with international standards. Therefore, the Government does not consider it necessary to adopt comprehensive asylum legislation separately.

9. The Ministry of Justice will continue to ensure the swift and reliable protection of foreign nationals in need of protection in cooperation with international organizations.

Re: paragraph 33 (b)

10. Regarding treatment of detainees in immigration detention facilities, the Government engages in thoroughly implementing measures that respect the human rights of detainees in accordance with relevant domestic laws and regulations.

11. In response to the death of a detainee at the Nagoya Regional Immigration Bureau in March 2021, an investigation was conducted with the cooperation of external experts, including legal and medical professionals. A report on the matter was published in August 2021, and the ISA implemented organizational and operational reforms across the entire organization, based on the improvement measures recommended in the report. Measures taken include the following efforts to strengthen medical care systems.

(1) In all six major regional immigration bureaus (East Japan Immigration Center, Omura Immigration Center, Tokyo Regional Immigration Bureau, Nagoya Regional Immigration Bureau, Osaka Regional Immigration Bureau, and Yokohama District Immigration Office), the budgeted number of full-time physicians, which had been set at one as of April 2021, was increased to two as of April 2024.

(2) While visiting local medical institutions, the regional immigration bureaus are establishing and strengthening cooperative frameworks with such institutions through improving their understanding of the medical situation and healthcare delivery at immigration detention facilities.

(3) Regular conferences are held at all regional immigration bureaus to share information on the health conditions of detainees and exchange opinions on the operation of clinics, thereby ensuring close communication.

(4) Various training programs are being implemented, mainly for staff responsible for detainees, to

ensure the acquisition by staff of basic medical knowledge.

12. As of September 2021, health checkups are being conducted for all new detainees as a general rule. Furthermore, the revised Immigration Control and Refugee Recognition Act, which came into effect on June 10, 2024, stipulates that detainees are required to undergo regular health checkups by a physician at least once every three months and appropriate medical measures are taken in line with general medical standards to ensure more appropriate treatment for detainees. In this way, various efforts have been made to ensure that the health conditions of detainees are accurately assessed, and appropriate responses are taken.

13. Through these efforts, the Government is appropriately promoting improvements in treatment of detainees at immigration detention facilities, including in terms of access to adequate medical assistance.

Re: paragraph 33(c)

14. The Government considers it inappropriate to permit engagement in work by an individual on provisional release whose residence status is without a work permit, as it is incompatible with the nature of the residence status system. However, an individual on provisional release may utilize the sponsorship system, which was established as an alternative to detention in 2023 under the revised Immigration Control and Refugee Recognition Act, and brought into operation on June 10, 2024, with the aim of preventing unnecessary or prolonged detention. Under this system, such individuals may engage in income-generating activities with the permission of a supervising immigration inspector prior to the issuance of a deportation order.

15. The ISA requests individuals on provisional release to regularly present themselves, provides timely consultations, and offers support such as providing the contact information of local governments. If individuals on provisional release so desire, the ISA also shares their personal information with the local governments where they reside to enable them to access administrative benefits and services.

Re: paragraph 33(d)

16. A foreign national who applied for recognition of refugee status or recognition of eligibility for complementary protection, but received a decision that such status or eligibility would not be recognized, can file a request for an administrative review to the Minister of Justice if he/she is dissatisfied with the decision.

17. As part of the administrative review, refugee examination counselors, who are external experts, conduct hearings in a group of three without receiving instructions from the Minister of Justice. The Minister of Justice must hear their opinions and make a decision that respects those opinions. Since

2016, there have been no cases where the Minister of Justice made a decision differing from the majority opinion of the refugee examination counselors.

18. For a foreign national who has been issued a deportation order, except in cases where the individual has previously received two decisions not to recognize refugee status or eligibility for complementary protection, deportation is suspended during the period while the individual is applying for recognition of refugee status or eligibility for complementary protection (it is also suspended during the period while the individual is filing a request for an administrative review on such decision). Furthermore, even in the case that an individual who has already received two decisions not to recognize refugee status or eligibility for complementary protection subsequently reapplies for recognition of such status or eligibility, if the individual submits documents demonstrating sufficient grounds for granting of refugee status or eligibility for complementary protection, the deportation is suspended.

19. Furthermore, if an individual is dissatisfied with a decision not to recognize refugee status or eligibility for complementary protection, that individual can file a request for an administrative review, and without waiting for a conclusion of the review, file a lawsuit with the court seeking a revocation of the decision. In addition, by concurrently filing a lawsuit seeking a revocation of the deportation order, that individual can file for a stay of execution of the deportation order, and if the court makes a decision to suspend execution, the deportation will be suspended.

20. As explained above, the Government provides sufficient opportunities to utilize an “independent judicial appeals mechanism with suspensive effect” referred to in paragraph 33(d).

Re: paragraph 33(e)

21. As stated in paragraph 13, the sponsorship system, which was established as an alternative to detention in 2023 under the revised Immigration Control and Refugee Recognition Act, was brought into operation on June 10, 2024, with the aim of preventing unnecessary or prolonged detention.

22. Under the sponsorship system, in cases where there is sufficient reason to suspect that a foreign national falls under the grounds for deportation, a decision will first be made whether to refer him/her to a sponsorship or detain him/her. In addition, not only the risk of escape but also the disadvantage that the individual may suffer from detention will be taken into account when making such a decision, thereby ensuring that detention is resorted to only when alternative measures to detention have been sufficiently considered. Furthermore, even if detention is imposed, the supervising immigration inspector will review the necessity of detention every three months, and the Commissioner of the ISA will also check the appropriateness of the decision on detention, thereby ensuring that detention is resorted to for the shortest appropriate period.

23. When a decision is made not to refer a foreign national to a sponsorship, he/she is notified of the reasons for the decision. If the individual is dissatisfied with the decision, he/she can file a lawsuit against the Government to seek a revocation. Furthermore measures are taken to ensure that the individual can effectively bring proceedings before a court by informing him/her of the period for filing such a lawsuit.

Re: paragraph 33(f)

24. Immigration officials are provided with diverse training programs tailored to their duties to enhance their knowledge and skills. These programs feature lectures on human rights, including explanations on human rights instruments, by professors and other experts on human rights. The ISA will continue to work to further enhance these training programs.

Re: paragraph 45 – Rights of the child

25. On April 1, 2023, the Children and Families Agency, which serves as the central authority on policies on children in Japan, was established. The Agency aims to prioritize children's best interests, place child-related initiatives and policies at the center of Japanese society, take into account all aspects of the environment surrounding children from their perspectives, ensure the protection of the rights of the child, leave no child behind, and support children's healthy growth through a whole-of-society approach.

Re: paragraph 45(a)

26. As stated in paragraph 12 of Japan's seventh periodic report (CCPR/C/JPN/7), following the revision and enforcement of the Civil Code, the statutory share in inheritance for children born out of wedlock is equal to that for children born in wedlock. On that basis, the Government considers it reasonable that the Family Registration Act distinguishes between "children born in wedlock" and "children born out of wedlock" in birth registrations, which are generally non-public, because it is necessary to properly carry out the family registration process. Therefore, at this stage, the Government is not planning to amend the relevant provisions of the Family Registration Act. However, it will continue to address the issue appropriately, taking into account changes in social conditions and the situation in Japan.

Concerning the issue of unregistered individuals, there have been cases where a woman who gave birth to a child with a man other than her (former) husband hesitated to register the birth because the woman concerned did not wish for the child to be registered as the child of her (former) husband. Such cases are typical examples of cases in which children are not registered in the family register. To fundamentally resolve this issue, the Civil Code was amended in 2022. Under the amended provisions, even if a child is born within 300 days after divorce, if the mother remarries before the child's birth, the child is presumed to be the child of the new husband as opposed to the child of the former husband. Furthermore, a child or a mother can take procedures to rebut the presumption of paternity of the

(former) husband, thereby registering the birth confirming that the (former) husband is not the father.

Re: paragraph 45(b)

27. In 2022, an amendment concerning “court investigations for decisions to place a child into temporary care” was introduced to the Child Welfare Act, requiring a court investigation in certain cases where consent from a person with parental responsibility cannot be obtained at the time of initiating temporary care. This amendment came into effect on June 1, 2025.

28. In conjunction with the introduction of the court investigations for decisions to place a child into temporary care, the cases in which temporary care can be granted have been overtly stipulated in law, and when conducting a court investigation, child guidance centers are required to inform the judges to the extent possible of the opinions on temporary care of the child and of persons with parental responsibility over the child.

Re: paragraph 45(c)

29. In May 2024, a law amending part of the Civil Code and other laws was enacted. The law stipulates that both parents can exercise parental responsibility even after divorce, and that they will exercise such responsibility jointly, including in regard to changes in the child’s place of residence. However, in urgent cases, a parent can exercise the responsibility alone. Accordingly, new court procedures were established to resolve disputes between parents, thereby clarifying the rules governing the exercise of parental responsibility.

30. Furthermore, the law stipulates that parents must respect each other’s personalities and cooperate in the exercise of responsibility over their child/children. The Government believes that these measures will contribute to resolving the issues the Committee has raised.

31. Concerning trans-boundary parental child removal and visitation or contact with children, the Government undertakes the following measures in accordance with the 1980 Convention on the Civil Aspects of International Child Abduction (the Hague Convention) and the Act for Implementation of the Hague Convention (the Implementation Act).

(Proper implementation of the Hague Convention and assistance by the Government)

32. In Japan, the Implementation Act was amended and brought into effect in April 2020 to enhance the effectiveness of the implementation of the Hague Convention. The Government continues to respond appropriately through cooperation with other Contracting States, fully taking into account the principle of the Hague Convention that the interests of children are of paramount importance.

33. As of October 2025, the Ministry of Foreign Affairs (MOFA), which is Japan’s Central Authority

for the Hague Convention, has made decisions to provide assistance to the parties under the Hague Convention in 204 cases for return of children from Japan to a foreign State, 132 cases for visitation or contact with children in Japan, 187 cases for return of children from a foreign State to Japan, and 47 cases for visitation or contact with children in a foreign State.

34. MOFA's assistance includes identifying children's location in Japan, providing funds to alternative dispute resolution (ADR) institutions to facilitate discussions between the parties, making referrals to lawyers familiar with the Hague Convention and legal aid services, supporting the translation of documents submitted to courts, and providing funds to visitation support institutions to facilitate contact between parents and children.

(Promotion of resolution through discussion)

35. MOFA enters into contracts with ADR institutions to facilitate discussions between the parties. In Japan, approximately 67% of cases that have reached a conclusion to date were resolved through voluntary or mutual agreement between the parties (i.e., resolved without a court decision).

(Support for visitation or contact with child)

36. MOFA enters into contracts with visitation support institutions to assist the parties in realizing visitation or contact between parents and children who are unable to meet. For parents and children living across borders, MOFA provides opportunities for online contact under the supervision of the support institutions and covers the related costs.

(Prevention and awareness-raising)

37. The Government also makes efforts to prevent parental child removal by raising awareness of the Hague Convention among the public. It promotes awareness of the Hague Convention, including by holding approximately 30 seminars annually in Japan as well as seminars targeting Japanese nationals residing abroad, and by publishing articles in local Japanese-language magazines published overseas.

(End)