



# Economic and Social Council

Distr.: General  
17 April 2013

English only

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**Committee on Economic, Social and Cultural Rights**  
Pre-sessional working group

**List of issues in relation to the third periodic report of Japan  
(E/C.12/JPN/3), adopted by the pre-sessional working group  
at its forty-ninth session (21- 25 May 2012)**

Addendum

**Replies of Japan to the list of issues\***

[11 January 2013]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## I. General information

### **Reply to the issues raised in paragraph 1 of the list of issues (E/C.12/JPN/Q/3)**

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.” As a matter of course, the Government of Japan enacts domestic laws and implements policies on the premise of compliance with its obligations under the Covenant.

2. Specifically, in concluding this Covenant, the Government of Japan sufficiently carefully examined whether provisions of Japanese domestic laws fulfill the obligations under the Covenant, in the same manner as in the case of concluding any other international agreements. Moreover, in revising such domestic laws, the Government of Japan confirms that the revision will not cause any problem in relation to its obligations under the Covenant on a case-by-case basis.

3. The authorities which have jurisdiction over the relevant law properly follow up on appropriate compliance with these domestic laws.

Furthermore, the Government of Japan actively participates in the examination of the periodic reports by treaty bodies and provides opportunities to hear other’s opinions about whether Japanese laws and policies comply with the obligations under the Covenant.

### **Reply to the issues raised in paragraph 2 of the list of issues**

4. Equality under the law is guaranteed under domestic laws and regulations pursuant to the provisions of article 14 of the Constitution which provides for the general principle. In particular, laws in effect which provide for the principle of gender equality include the Basic Act for a Gender-Equal Society which is intended to promote the formation of a gender-equal society in a comprehensive and planned manner and the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment which prohibits discrimination on the basis of the sex of workers. In addition, the Basic Act on Education is also in effect, which provides for equal opportunity for education.

5. Moreover, laws which guarantee equality under the law in individual provisions include article 27 of the National Public Service Act and article 13 of the Local Public Service Act which provide for the principle of equal treatment as a standard applicable to officials; article 244, paragraph 3 of the Local Autonomy Act which prohibits unjust discriminatory treatment in terms of residents’ use of public facilities; article 3 of the Labour Standards Act which prohibits discriminatory treatment with respect to working conditions by reason of the nationality, creed or social status of any worker and article 4 of said Act which provides for equal wages for men and women; article 5, paragraph 2 of the Labour Union Act which provides that the constitution of a labour union shall include a provision to the effect that no one shall be disqualified from union membership in any case on the basis of race, religion, gender, family origin or status; and article 2 of the Public Assistance Act which provides for receipt of public assistance in a nondiscriminatory and equal manner.

6. As mentioned in the third periodic report of Japan, regarding indirect discrimination in employment between men and women, the legal system was developed at the time of revision of the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment in 2006. The ordinance of the Ministry of Health, Labour and Welfare provides that taking the following three measures without a legitimate reason, such as in a case where such measures are specifically required for the purpose of performing the relevant job, falls under indirect infringement and violates the Act on Securing, etc. of

Equal Opportunity and Treatment between Men and Women in Employment: “making a certain height, weight or physical strength a requirement in recruiting and employing workers,” “making it a requirement to be able to accept a transfer accompanying a change of residence in recruiting or employing workers engaging in the ‘main career-track’ in a career tracking system,” and “making experience of a transfer a requirement for the promotion of workers.”

7. The Act on Special Provisions for Handling People with Gender Identity Disorders was enacted for the purpose of alleviating social disadvantages to the people with gender identity disorders, and it came into force in July 2004. However, at the time of the enactment, the text of the said Act stipulated “the person has no child at present” as a requirement for changing legal gender from the perspective of preventing confusion in the parent-child relationship and giving consideration to children’s welfare.

8. However, if a child is of age, requests from the said perspective were not considered to be very strong. Therefore, the requirement was relaxed to “the person has no minor child at present” through the 2008 revision to the act.

9. In addition, for public housing, having a relative living together has been required as a qualification for the residents of public housing under the Act on Public Housing. However, regarding this requirement, the Government of Japan has taken a measure to enable local governments to set qualifications for residents at their own discretion based on the Act on the Arrangement of Related Acts to Promotion of Reforms to Enhance Regional Autonomy and Independency (put in force on 1 April 2012).

#### **Reply to the issues raised in paragraph 3 of the list of issues**

10. The government of Hokkaido Prefecture has taken measures to improve the living standards of Ainu people in Hokkaido over six phases since 1974. Under the current program that started in 2009, the government of Hokkaido Prefecture has comprehensively promoted measures for stable living, improved educational standards, stable employment, promotion of business, and promotion of the activities of private organizations, thereby improving the living standards of Ainu people and narrowing the gap between Ainu people and others. For example, in order to narrow the gap in educational standards, the government of Hokkaido Prefecture provides scholarships and loans for school entrance fees and studying expenses to Ainu students in high schools and universities, thereby encouraging them to continue their education.

11. The Government of Japan set up the Joint Meeting of Ministries Concerned in the Measures for the Improvement of the Living Standards of the Ainu people in Hokkaido to cooperate in and smoothly promote the aforementioned measures led by the government of Hokkaido Prefecture. Thereby, the Government of Japan is making efforts to allocate a sufficient budget for measures and projects for the improvement of the living standards of Ainu people under close cooperation among the related administrative organs.

12. As of 2006, 23,782 Ainu people (8,274 households) live in Hokkaido. The ratio of Ainu people receiving public assistance decreased from 6.9 per cent in 1979 to 3.8 per cent. The ratio of Ainu youth who go on to university increased from 8.8 per cent in 1979 to 17.4 per cent. However, there is still a gap compared to the general public (outline of the results of the Hokkaido Ainu living condition survey (survey in 2006).

13. The Human Rights Organs of the Ministry of Justice are conducting promotion activities, including publicity in newspapers and distribution of brochures, nationwide and throughout the year, while taking the understanding of the Ainu people as one of the annual priority matters of promotion activities, with the aim of eliminating prejudice and discrimination against the Ainu people and deepening understanding and recognition about

the Ainu people. In addition, the Organs make use of Internet banner advertising to promote public understanding of the Ainu people.

14. Moreover, Human Rights Volunteers and the officials of the Legal Affairs Bureaus and District Legal Affairs Bureaus offer human rights counseling services at both permanent and temporary human rights counseling offices. Where the Human Rights Organs recognize a suspected case of human rights infringement, such as discrimination against the Ainu people, through human rights counseling, etc., they conduct necessary investigation into the case as a human rights infringement case. If they recognize an act of human rights infringement through the investigation, they enlighten the relevant individual or organization as to the idea of respect for human rights and also take appropriate measures to eliminate the problem and to prevent the recurrence of similar infringement on a case-by-case basis.

15. To solve the Dowa issue (the “Buraku” issue) at an early date, the Government of Japan has actively promoted related measures, mainly special measures based on the Act on Special Measures enacted three times, for 33 years since 1969. Consequently, the situation where bad living conditions propagate discrimination was significantly improved (Minister for Internal Affairs and Communications’ statement dated 29 March 2002). Incidentally, the said Act on Special Measures lost effect on the last day of March 2002, and special measures for the Dowa area and Dowa-related persons were terminated.

16. On the other hand, there remain incidents of discrimination in marriage, discriminatory remarks, discriminatory graffiti, and other cases of human rights infringement in conjunction with this issue. At present, the Government of Japan is appropriately addressing the Dowa issue through various general measures.

17. The Human Rights Organs of the Ministry of Justice have implemented promotion activities concerning human rights issues including the Dowa issue, such as the holding of lectures and round-table talks, publicity through public relations magazines, etc., and the distribution of brochures, nationwide and throughout the year, while taking the Dowa issue as one of the annual priority matters of promotion activities.

18. Moreover, the Human Rights Organs provide remedy and seek to prevent all kinds of human rights infringement, including those relating to the Dowa issue, through human rights counseling and investigation and resolution of human rights infringement cases.

19. The Human Rights Organs of the Ministry of Justice publish the number of human rights infringement cases every year, thereby informing the public of the current situation of human rights.

20. Incidentally, the number of human rights infringement cases relating to the Dowa issue is as follows.

	2007	2008	2009	2010	2011
Number of human rights infringement cases relating to the Dowa issue (Number of cases for which investigation has begun)	171	175	157	150	137

#### **Reply to the issues raised in paragraph 4 of the list of issues**

21. The number of persons with disabilities employed through “Hello Work (public employment offices)” was about 60,000 in FY2011, which stood at a record high, owing to carefully tailored career advice, etc. according to the abilities, aptitude, etc. of persons with disabilities at “Hello Work” as mentioned in the third periodic report. In addition, the number of persons with disabilities employed by private companies was 382,000 as of 1

June 2012, which marked a record high. In this manner, the employment of persons with disabilities is making steady progress.

22. Incidentally, the Labour Standards related Act and regulations are applicable to all workers, irrespective of whether one is a worker with disabilities. Therefore, the Labour Standards Inspection Organization has been making efforts to secure the statutory working conditions for workers with disabilities.

<i>Number of persons with disabilities employed through "Hello Work"</i>	
FY2009	45,257
FY2010	52,931
FY2011	59,367

<i>(As of June 1 of each year)</i>	<i>Number of persons with disabilities who are employed by private companies (with 56 or more employees)</i>
2009	332,811.5
2010	342,973.5
2011	366,199
2012	382,363.5

23. Through the 2004 revision, the Basic Act for Persons with Disabilities was revised to provide for the denial of discrimination based on any disability. In addition, a provision reflecting the principle of reasonable accommodation prescribed in the Convention on the Rights of Persons with Disabilities was added through the 2011 revision.

**Basic Act for Persons with Disabilities (Act No. 84 of 1970) (Extract) (tentative translation)**

“Article 4: (1) No one shall be allowed to discriminate against persons with disabilities, or violate their rights or benefits, on the basis of said disability.

(2) When a person with a disability requires removal of existing social barriers and the burden accompanying the implementation is not excessive, lest it run counter to the preceding paragraph, necessary and reasonable accommodation to the implementation shall be given”.

**Reply to the issues raised in paragraph 5 of the list of issues**

24. The Second Basic Plan for Gender Equality, which was approved by the Cabinet in 2005, set a goal of increasing the percentage of women among all persons employed through the Level I of national public employees recruitment examination to around 30 per cent in FY2010. The Government of Japan made efforts to achieve the goal. Consequently, the ratio increased from 21.5 per cent in FY2005 to 30.6 per cent in FY2009.

25. Moreover, the percentage of women among all persons in a “commanding position” has been gradually increasing in every field owing to the setting of the goal of “increasing the percentage of women among all persons in a ‘commanding position’ to at least around 30 per cent in all fields by 2020” and the formulation of the “Program for Accelerating Women’s Social Participation.” For example, comparing the ratio of women among all persons at the management level at companies by post between 2005 and 2009, the percentage increased from 2.8 per cent to 4.9 per cent for positions equivalent to general manager, from 5.1 per cent to 7.2 per cent for positions equivalent to manager, and from 10.4 per cent to 13.8 per cent for positions equivalent to assistant manager.

26. Based on the above, the Third Basic Plan for Gender Equality, which was approved by the Cabinet in December 2010, introduced positive action based on the goals and timetable method. The Government of Japan sets goals for the percentage of women among all persons employed through the National Public Servant Examination (around 30 per cent at the end of FY2015), the percentage of women among all officials in positions equivalent to or higher than director of a division or office in ministries of the national government (around 5 per cent at the end of FY2015) and the percentage of women among all employees in positions equivalent to or higher than manager at private companies (around 10 per cent in 2015), and is promoting efforts to achieve the goals.

27. The ratio of part-time workers among all employed women was 44.1 per cent in 2011 (excluding Iwate Prefecture, Miyagi Prefecture, and Fukushima Prefecture).

28. Non-regular employment, including part-time work, has the positive significance of encouraging women to exert their abilities by responding to various needs for employment. On the other hand, it causes a problem, specifically, in that it contributes to the wage gap between men and women in the current situation where the rate of women under non-regular employment, including part-time workers, is higher compared to men. Therefore, further efforts are required to develop the environment for non-regular employment, including part-time workers. Regarding part-time workers, the Government of Japan has been making efforts to secure equal and balanced treatment with ordinary workers and to promote transformation to ordinary workers based on the Act on Improvement, etc. of Employment Management for Part-Time Workers in order to create an environment in which part-time workers are able to effectively perform to their full abilities.

29. The wage gap between men and women was 65.9 in 2005, 69.8 in 2009, and 70.6 in 2011 (the values represent the prescribed amount of wages for working woman in general when the prescribed amount of wages for working men in general is assumed to be 100.0).

30. As disparity in rank and length of service between men and women is considered to greatly affect the generation of the wage gap between men and women, the Third Basic Plan for Gender Equality set the goal of increasing the rate of companies that work on positive action to over 40 per cent by 2014. Based on this goal, the Government of Japan carries forward employment management that enables women to exert their abilities to a maximum extent at companies through the promotion of practical implementation of positive action. It also promotes efforts to develop a workplace environment that is comfortable for women to continue working through the provision of support for balancing work and family.

31. Moreover, court precedents concerning discrimination under the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment are as follows.

- Tokyo District Court decision on 20 February 2002: The continuation of a separate career tracking system for men and women, after prohibition of discriminatory treatment between men and women became a legal obligation for employers under the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment, violates Article 6 of said Act and is also illegal as it goes against public policy.
- Nagoya District Court decision on 22 December 2004: The continuation of a separate career tracking system for men and women, after prohibition of discriminatory treatment between men and women became a legal obligation on employers under the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment, violates Article 6 of said Act and is also illegal as it goes against public policy as it treats women in a discriminatory manner in terms of assignment and promotion for the reason of being female.

**Reply to the issues raised in paragraph 6 of the list of issues**

32. The “Symposium on Gender Equality for Men” was held in FY2011 based on immediate themes that lead to the participation of men in local communities and families, for the purpose of fostering the basis for a change in the awareness of men. In addition, the Government of Japan conducted a comprehensive research study on men, including the actual conditions of gender stereotypes and their influence on the awareness and activities of men in everyday living. The Government of Japan also collected wide-ranging examples of men who proactively take an active part in local communities and compiled them in order to support the efforts of local communities, etc. to make it more possible for men to participate in families and local communities.

33. Moreover, the Government of Japan is enriching education and learning that promote gender equality while promoting mutual coordination in schools, families, and local communities, in order to eliminate gender stereotypes, create a sense of gender equality based on respect for human rights, and promote the deepening of understanding of gender equality.

34. The major activities are set out below:

(1) The Government of Japan is conducting the following activities so that people involved in education can understand the principles of gender equality, including the elimination of gender stereotypes, and promote gender equality.

- Further informing of and thoroughly implementing the new Course of Study to make sure that guidance on the importance of gender equality is enriched based on the Course of Study through overall school education, including Social Studies, Home Economics, Moral Education, and Special Activities;
- Promoting activities, such as training for teachers, to ensure that the content of education that promotes gender equality is enriched;
- Providing “Training to Promote Gender Equality for Women’s Facilities, Local Governments and Leaders of Organizations” by which the managers of women’s facilities, officials of local governments, and leaders of women’s organizations learn how to form sustainable organizations, measures, and projects to realize the Third Basic Plan for Gender Equality, with the aim of realizing a gender-equal society in local communities.

(2) The Government of Japan is conducting the following publicity and promotion activities to increase and ingrain the awareness of gender equality, including the elimination of gender stereotypes.

- Disseminating information that contributes to forming a gender-equal society through the preparation and distribution, etc. of leaflets concerning statistical information, etc. on gender equality, women’s education, and education at home;
- Publishing the results of research studies and collected materials, information, etc. through a comprehensive portal site for information to form a gender-equal society, entitled “Portal Site for Information on Women, ‘Winet’” (<http://winet.nwec.jp/>).

**Reply to the issues raised in paragraph 7 of the list of issues**

35. To begin with, the Covenant is not retroactively applicable to issues that arose before Japan’s conclusion of the Covenant (1979). Therefore, it is not appropriate to take up the “comfort women issue” in the examination of the status of implementation of the Covenant.

36. On that basis, the Government of Japan recognizes that the comfort women issue was a grave affront to the honor and dignity of many women, and Japan has taken every opportunity to express its sincere apologies and remorse, including through the delivery of a letter from the Prime Minister to former comfort women and through the Chief Cabinet Secretary's statement (1993).

37. Japan concluded the San Francisco Peace Treaty, bilateral peace treaties, agreements and instruments with the countries concerned, and in accordance with them carried out payment of reparations and other items in good faith. In this way, issues of claims concerning the war have been legally settled with the countries which are parties to these treaties, agreements and instruments. However, the Government of Japan determined that it was appropriate for Japan to express its sincere apologies and remorse to the former comfort women as the comfort women issue was a grave affront to the honor and dignity of many women. The Asian Women's Fund (AWF) was established in 1995, and it implemented medical and welfare support projects for former comfort women with support of about 4.8 billion yen from the government and also provided support including the direct delivery of "atonement money" totaling approximately 600 million yen based on contributions from Japanese citizens. Facts on the comfort women issue and the activities of the AWF are specifically published on the AWF's website (<http://www.awf.or.jp>). Some materials concerning the comfort women issue are also available for inspection on the website of the Japan Center for Asian Historical Records (<http://www.jacar.go.jp>).

38. The AWF was dissolved at the end of March 2007. However, the Government of Japan will continue to make maximal efforts to obtain understanding of the sincere sentiment of the Japanese people on this issue, which was represented by the activities of the AWF. The Government of Japan will thus continue to implement follow-up on the activities of the AWF.

## **II. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Reply to the issues raised in paragraph 8 of the list of issues**

39. In response to a rapid deterioration of the employment situation in Japan due to the global economic crisis, the Government of Japan has taken emergency employment measures through a timely economic policy and budget consolidation, etc.

40. Specifically, the Government of Japan has been promoting various measures based on three pillars: (1) maintenance of employment and a stable living environment, (2) job creation, and (3) matching. Major recent efforts are described below.

41. Maintenance of employment and a stable living. Since 2008, the Government of Japan has relaxed the requirements for employment adjustment subsidies, which were designed to subsidize part of leave allowance, etc. in cases in which a business operator who is forced to scale down business activities has workers he/she employs take temporary leave, etc. By doing so, the Government of Japan has succeeded in maintaining the employment of many workers and preventing loss of employment, providing support to an average of 1.77 million persons a month (in FY2009) at the peak.

42. Moreover, regarding employment insurance, the Government of Japan has strengthened the safety-net function for non-regular workers and the re-employment support function for workers have lost their jobs through revisions to the Employment Insurance Act. Specific measures include taking a temporary measure to extend the number of days for which allowance is payable by 60 days at the most in cases in which a person who lost his/her job due to dismissal, bankruptcy or non-renewal of employment is

recognized as having special difficulty in gaining employment as well as raising the rate of payment of the “re-employment allowance” that is paid in cases of early re-employment.

### **Job creation**

43. The Government of Japan has established a “Project to Create Employment in Priority Fields.” Under the project, new employment opportunities are created in the environmental and energy fields and in the fields of agriculture and forestry for which the Government of Japan intends to provide intensive support in the future as well as in the fields of nursing care and medical care for which demand for labour will grow due to the falling birthrate and aging of the population. In addition, projects to develop human resources that meet local needs and lead to employment are being implemented. The Government of Japan budgeted 150 billion yen in FY2009 and 200 billion yen in FY2010 for this project, thereby creating employment for 81,000 persons by FY2010.

44. Furthermore, the Government of Japan has established an employment promotion taxation system, etc. which supports the creation of new jobs in growth fields through corporation tax deductions based on increase in the number of employees.

### **Matching**

45. “Hello Work” has increased the number of its staff and has implemented detailed employment support based on the specific situations of individuals, such as prior work experience and preferred job duties, so as to realize early employment in keeping with the preferences of job seekers. Moreover, “Hello Work” has conducted matching with vocational training according to the abilities and aptitudes of job seekers, in light of the wishes of job seekers and the labour market situation.

46. Since the deterioration of the employment situation, the Government of Japan has provided employment support, such as through payment of unemployment benefits in cases in which certain conditions are met, including participation in vocational training, for job seekers who are otherwise not eligible to receive unemployment benefits. This has been in force since July 2009. (It was originally implemented as a temporary measure, the “Emergency Project to Support Human Resources Development”; however, it subsequently became a permanent measure through the creation of the “job-seeker support system” in October 2011.)

47. Furthermore, in Japan, it is common for young people to start job hunting while still enrolled in a high school or university and that they are employed together with regular workers at the time of their graduation. This practice has been one of the reasons for the low unemployment rate among young people in Japan. However, due to the sudden recession, now it is more difficult for young people to become employed as regular workers if they miss this opportunity. So, the Government of Japan has particularly strengthened employment support for new graduates and is providing intensive support to young people who have not received an offer of employment. Specifically, the Government of Japan has established “Hello Work to Support New Graduates” in all of 47 prefectures, and has taken measures such as doubling the number of specialized counselors who provide job counseling and employment placement services, etc. in line with the needs of individual graduates from high schools and universities. By so doing, the Government of Japan has strengthened matching with SMEs which have considerable needs. Thanks to these measures, 810,000 people used “Hello Work to Support New Graduates” between FY2010 and FY2011, and 223,000 people obtained employment with the help of the support of specialized counselors.

48. Owing to the effects of these measures, the current employment situation in Japan is demonstrating an improved unemployment rate of 4.4 per cent (as of May 2012; recent high

of 5.5 per cent (April 2003)), despite the impact and aftermath of the Great East Japan Earthquake last spring.

**Reply to the issues raised in paragraph 9 of the list of issues**

49. Problems facing workers with fixed-term contracts include unstable employment, differences in how they are treated, and insufficient opportunity to build their vocational capabilities.

50. To deal with these problems, the Government of Japan submitted to the Diet a bill to partially revise the Labour Contract Act which introduces a mechanism for converting a fixed-term labour contract into a labour contract without term for workers who apply for one in cases in which the fixed-term labour contract was repeatedly renewed for a period exceeding five years, in addition to prohibiting unreasonable working conditions. The relevant law was enacted in August 2012.

51. The Government of Japan believes that stable employment and fair treatment of workers have been secured based on this Act and that it will contribute to realizing a society in which workers can continue to work without anxiety.

52. In April 2011, in order to improve management of the employment of workers with fixed-term contracts, etc. and to promote balanced treatment and the transformation of workers with fixed-term contracts to ordinary workers, the Government of Japan began offering financial incentives to business operators who introduce and practically implement a test system to transform workers with fixed-term contracts, etc. to ordinary workers and actually transformed a worker with a fixed-term contract, etc. to an ordinary worker. Financial incentives are also being offered to business operators who introduce and apply a treatment system which establishes a system of evaluation or qualification common to ordinary workers and workers with fixed-term contracts based on their skills and job duties, setting basic salaries and bonuses according to such classifications.

53. Amid significant changes in social and economic circumstances, including given the rapidly declining birthrate and aging population, changes in the basis of employment due to an increase in the number of non-regular employees, such as workers with short-term and fixed-term contracts, and changes in the structure of family and communities, the Government of Japan is promoting a “Comprehensive Reform of Social Security and Tax” in order to maintain the sustainability of the system as well as to enrich the necessary functions of social security.

54. Through this reform, the Government of Japan intends to expand the application of employees’ pension insurance and health insurance to short-time workers, many of whom are non-regular workers.

**Reply to the issues raised in paragraph 10 of the list of issues**

55. The “Guidelines for Improvement of Working Time Arrangements” list matters that are informative in carrying forward specific efforts to ensure that employers, etc. can appropriately cope with the obligation to make efforts to improve working time arrangements, etc. The Guidelines include reduction of overtime working hours as a general measure to be taken by employers, thereby encouraging employers, etc. to make efforts to reduce working hours. Moreover, to support the voluntary efforts of labour and management, the Government of Japan provides employers with subsidies and counseling and guidance by consultants.

56. The Government of Japan believes that using these measures will contribute to reducing working hours.

57. In addition, based on the “Work-life Balance Charter” and the “Action Policy for Promoting Work-Life Balance” (formulated in 2007 and revised in 2010), the Government of Japan has set numeric targets and is carrying forward the fostering of social momentum for work-life balance, the development of a workplace environment restraining long working hours and promoting diverse ways of working, and promoting men’s participation in domestic duties and childrearing.

58. Furthermore, the “Subcommittee to Collaboratively Promote and Evaluate Work-life Balance,” established under “Council of Executives of Public and Private Sectors to Promote Work-life Balance,” conducted checking and assessment of efforts made based on the Charter and the Action Policy. It also compiles and publishes a “Work-Life Balance Report” every year.

59. Comparing the numeric targets set in the Action Policy in 2006 and 2010, the ratio of employees whose weekly working hours are 60 or more decreased from 10.8 per cent to 9.4 per cent while the ratio of employees who took annual leave with pay increased from 46.6 per cent to 48.1 per cent. The ratio of male employees who took child-care leave increased from 0.50 per cent in 2005 to 1.38 per cent in 2010.

**Reply to the issues raised in paragraph 11 of the list of issues**

60. As mentioned in the third periodic report, the Government of Japan obliges business operators to introduce a measure to secure the employment of older persons from one of the following measures: (1) raising the company’s mandatory retirement age, (2) introducing a system to enable employees to continue working beyond the mandatory retirement age, or (3) abolishing the mandatory retirement age altogether under the Law concerning Stabilization of Employment of Older Persons, which was revised in 2004 and came into force in 2006. It has contributed to improving access to employment for workers over the age of 60 (the employment rate for those aged 60-64 was 57.1 per cent in 2010, showing an increase of 5.1 per cent compared to 2005 (52.0 per cent) before said Law came into force).

61. Regarding the protection of working conditions, the Law is designed to issue general rules to ensure that working conditions apply to older persons in the same manner as general workers. Regarding protection against unfair dismissal, this Law is designed to secure stable employment of older persons and obliges employees to introduce a measure to secure the employment of older persons aged up to 65. Therefore, the Government of Japan believes that the application of this Law will not have any negative effect.

**Reply to the issues raised in paragraph 12 of the list of issues**

62. If a “person hired under a fixed-fee contract” as was indicated falls under the heading of “worker” prescribed in article 9 of the Labour Standards Act, the Industrial Safety and Health Act, etc. is applicable to him/her. Therefore, his/her right to safe and healthy working conditions is protected under the Industrial Safety and Health Act.

63. The Industrial Safety and Health Act is under the jurisdiction of the Ministry of Health, Labour and Welfare; Prefectural Labour Bureaus, which have jurisdiction over each prefecture; and Labour Standards Inspection Offices, which are the subordinate organs of Prefectural Labour Bureaus. They implement inspection of and instruction to workplaces, thereby promoting thorough compliance with the Industrial Safety and Health Act.

64. Moreover, the employment injury scheme is a system for paying the necessary insurance benefits for the injury, disease, impairment, death, etc. of a “worker” in the course of his/her work or during travel to or from work. It is also a system for conducting operations, such as helping victims to be reintegrated into society.

65. However, in addition to the “workers” described in Article 9 of the Labour Standards Act, those who are specially recognized as appropriate to be protected equivalently to such “workers” (business operators of SMEs, those who work alone for themselves and other self-employed individuals, persons engaging in specific work, and those assigned abroad) are specially permitted to join the employment injury scheme.

**Reply to the issues raised in paragraph 13 of the list of issues**

66. Labour acts and regulations, including the Employment Security Act, the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protecting Dispatched Workers, and the Labour Standards Act, apply to all those who work in Japan, irrespective of whether they are Japanese or not and whether or not they work illegally.

67. The Employment Security Organization and the Labour Standards Inspection Organization have been making efforts to collect information about serious and vicious violations of labour acts and regulations, including those relating to the employment of foreigners, within their jurisdiction. In addition, they also deal strictly with violations of these acts where they exist.

**Reply to the issues raised in paragraph 14 of the list of issues**

68. Most short-time workers are women. Many of them cannot join employees’ pension insurance schemes though they are employed. Many are only eligible to receive a basic pension and are not eligible to receive an earnings-related pension.

69. Based on the Act on Partial Revision of the National Pension Act, etc. for Strengthening the Financial Base and the Minimum-Guarantee Function of the Public Pension System, enacted in August 2012, the employees’ pension system will be applicable in 2016 to some short-time workers to whom the employees’ pension system had not been applicable in the past.

70. This Act will contribute to increasing future pension benefits for short-time workers, mainly women.

**Reply to the issues raised in paragraph 15 of the list of issues**

71. At present, only older persons who have paid pension premiums for 25 years or more can receive a pension.

72. Based on the Act on Partial Revision of the National Pension Act, etc. to Support Securing of Income for Those Later in Life through National Pension and Corporate Pension, etc., enacted in 2011, citizens will be able to pay national pension premiums for any unpaid period within the last decade over a period of three years from 2012.

73. Moreover, based on the Act on Partial Revision of the National Pension Act, etc. for Strengthening the Financial Base and the Minimum-Guarantee Function of the Public Pension System, enacted in August 2012, older persons who have paid pension premiums for 10 years or more will become eligible to receive a pension in 2015 and thereafter. Based on this Act, about 200,000 older persons who are now not eligible to receive a pension will become eligible.

74. In cases where an older person who is not eligible to receive a pension or an older person, etc. who is not able to secure a sufficient standard of living even by receiving a pension is living in poverty even if he/she utilizes all his/her abilities and available assets, the Government of Japan provides the necessary assistance under the Public Assistance Act in keeping with the degree of poverty and also provides livelihood, housing, medical, and long-term care assistance, etc. to guarantee the minimum for a healthy and decent standard of living.

75. Moreover, in July 2012, the Government of Japan submitted to the Diet a bill to provide certain welfare benefits to low-income pension recipients, in addition to their pension benefits.

**Reply to the issues raised in paragraph 16 of the list of issues**

76. The Act on the Prevention of Abuse of Elderly Persons and Support for Persons Giving Care to Elderly Persons was put in force in 2005, which stipulates the obligation of anyone who discovers a case of abuse to report it to a municipal government. Based on this, municipal governments have established sections to cope with cases of abuse. Consequently, the number of consultations and reports concerning the abuse of older persons has been increasing. Municipal governments investigate the facts behind such reports and take prompt and appropriate measures, including the protection of abused older persons and providing support for persons giving care to older persons, with regard to cases which have been determined to be cases of abuse. Therefore, the enforcement of this Act is considered to contribute to the reporting of cases of abuse of older persons as well as the prevention of such abuse.

**Reference data**

77. Number of consultations and reports of cases of abuse by persons working at a care facility or a nursing care facility, etc. 273 cases in 2006, and 506 cases in 2010.

78. Number of consultations and reports of cases of abuse by persons giving care to older persons: 18,390 cases in 2006, and 25,315 cases in 2010. Source: Survey on the status of measures based on the Act on the Prevention of Abuse of Elderly Persons and Support for Persons Giving Care to Elderly Persons.

79. Moreover, it is important to promote efforts to protect the rights of older persons, including the prevention of their abuse and, for guardians of such adults, to ensure prevention of lasting damage to abused older persons and to provide remedy for them, from the perspective of maintaining the dignity of older persons. Therefore, with the enforcement of said Act, the Government of Japan has implemented government subsidy-based projects which are designed to promote prefectural governments' efforts to protect the rights of older persons, including the provision of training for those working at nursing-care facilities, the development of a specialized consultation system, etc. in line with the actual conditions of local communities, securing facilities for temporarily protecting abused older persons in an emergency, and the provision of training for the development of civil guardians, thereby promoting the prevention of abuse of older persons.

80. Incidentally, no legal revision was made regarding the prevention of abuse by the Act on Partial Revision of the Long-Term Care Insurance Act and the Act on Social Welfare Service for the Elderly of 2008.

**Reply to the issues raised in paragraph 17 of the list of issues**

81. The number of victims of trafficking in persons that the Government of Japan protected was 43 in 2010 but it increased to 45 in 2011. Victims have often been women from countries that are lesser developed than Japan. In 2011, the Government protected victims from five countries and regions, namely the Philippines, Thailand, Indonesia, Japan itself, and Taiwan. All were women aged 18 or over.

82. On the other hand, the number of cases of trafficking in persons cleared by the police authorities in 2011 was 25 (up by five cases from the previous year) and the number of people cleared for trafficking was 33 (up by nine people (id.)). By nationality, the number of Japanese increased to 24 in 2011 from 21 in 2010, and the number of Thais increased to seven in 2011 from one in 2010.

83. As a general rule, the Immigration Bureau grants special permission to stay in Japan to victims of trafficking in persons who reside in Japan despite their violation of the Immigration Control and Refugee Recognition Act. Those who received special permission to stay increased to 15 in 2011 from six in 2010. In 2010, special permission to stay was granted to four Filipinas, one Thai, and one Chinese, and in 2011, to nine Filipinas and six Thais.

84. The number of people who were deported by the Immigration Bureau as perpetrators of trafficking in persons was four in 2010 and three in 2011. By nationality, those deported in 2010 comprised two Thais, one Chinese (Taiwanese), and one Indonesian, and in 2011, two Chinese (Taiwanese) and one Thai.

85. Based on “Japan’s 2009 Action Plan to Combat Trafficking in Persons,” the Government of Japan compiled the “Guidelines on the Treatment of Human Trafficking Cases (Measures for Protection of Victims)” in July 2011 in order to assist administrative organs and other related organizations engaged in combating trafficking in persons. The Guidelines summarize essential points for protecting victims of trafficking and indicate measures to be taken by the concerned ministries and agencies with full respect to the protection of victims.

86. Furthermore, as a means of supporting victims of trafficking in persons, Women’s Consulting Offices and other facilities temporarily take victims into protective custody. With regard to women who need longer-term protection, it is also possible to provide protection and support for them in Women’s Protection Facilities. Foreign victims may receive support in the same manner as other women under temporary custody. If the victim is a child, appropriate support measures are taken in collaboration with Child Guidance Centers, as necessary.

87. The Government of Japan provided around 275,000 US dollars to the International Organization for Migration (IOM) in the FY2012 budget, conducting a project to support the return and reintegration of foreign victims of trafficking in persons who wish to return to their home countries. The assistance was used for the counseling of victims protected in Japan, flight fees for their returning home, and expenses for supporting their reintegration into society upon returning to their home country (vocational training, medical costs, etc.). In FY2011, the number of foreign victims of trafficking in persons who received support under this project totaled 35.

#### **Reply to the issues raised in paragraph 18 of the list of issues**

88. A child born in Japan of a Japanese father and a foreign mother can acquire Japanese nationality by birth, by notifying the Ministry of Justice, or through naturalization.

89. When a child has a legal parent-child relationship with a Japanese father at the time of the birth (if a Japanese father and a foreign mother are married and the child is regarded to have been born in wedlock, or the child is acknowledged by the Japanese father before birth), the child can acquire Japanese nationality by birth (art. 2, item 1 of the Nationality Law).

90. When a child (under the age of 20) who has no legal parent-child relationship with a Japanese father at the time of birth is later acknowledged by a Japanese father, the child could acquire Japanese nationality by notifying the Ministry of Justice (art. 3 of the Nationality Law).

91. In addition, a child who was unable to obtain Japanese nationality pursuant to either of these provisions could still do so through naturalization, and in that case, the conditions for naturalization are more relaxed (arts. 4; 6, item 2; and 8, items 1 and 4 of the Nationality Law).

92. From 1 January 2009, the day of the enforcement of the revised Nationality Law, to 30 April 2012, the number of children (under the age of 20) who acquired Japanese nationality pursuant to Article 3 of the Nationality Law was 3,250; and of those, the number of children who newly acquired Japanese nationality pursuant to the revised Nationality Law was 1,754.

**Reply to the issues raised in paragraph 19 of the list of issues**

93. As support measures for single mother households, comprehensive assistance has been promoted for the employment and self-support of mothers, focusing on the following four points:

(a) Assistance for child rearing and livelihoods (preferential enrollment in nursery schools and ensuring housing, such as in Mothers' and Children's Homes);

(b) Assistance for employment (consultations at Employment and Self-support Assistance Centers for Single Mother Households, etc. and assistance for the acquisition of licenses by offering Grants for Advanced Skills Training, etc.);

(c) Securing child-rearing expenses (consultations and information provision at Child-rearing Expenses Consultation Centers, etc.);

(d). Financial assistance (Child Support Allowances, and Welfare Fund Loans for Single Mother Families and Widows).

94. For example, the Child Support Allowance, which targets single mother households, etc. due to divorce and provides them with 41,430 yen per month (in full in the case of a household with one child), now covers 1,071,466 people (excluding those in Fukushima prefecture, except for Koriyama city and Iwaki city, due to the influence of the Great East Japan Earthquake) as of the end of March 2012.

95. For Japanese nationals who are living in poverty despite having utilized all their assets, abilities, and all means available, necessary assistance is provided under the Public Assistance Act in keeping with their level of poverty, offering them livelihood, education, housing, medical, long-term care, maternity, and occupational assistance and the like, for the purpose of guaranteeing a healthy and decent minimum standard of living.

96. Out of all recipients as of July 2010, 100,000 were single mother households and 300,000 were single older woman households (aged 65 or over).

**Definition of households**

**Single mother households**

97. Households consisting of a woman younger than 65 years of age (until March 2005, a woman aged 18 or over but younger than 60) who does not have a spouse at present, due to death of the spouse, divorce, uncertainty of whether the spouse is living or deceased, or having not married, and her child/children (including an adopted child/children) who is/are younger than 18

**Older households**

98. Households consisting only of persons aged 65 or over of both sexes (until March 2005, men aged 65 or over and women aged 60 or over) or such households with persons younger than 18 included

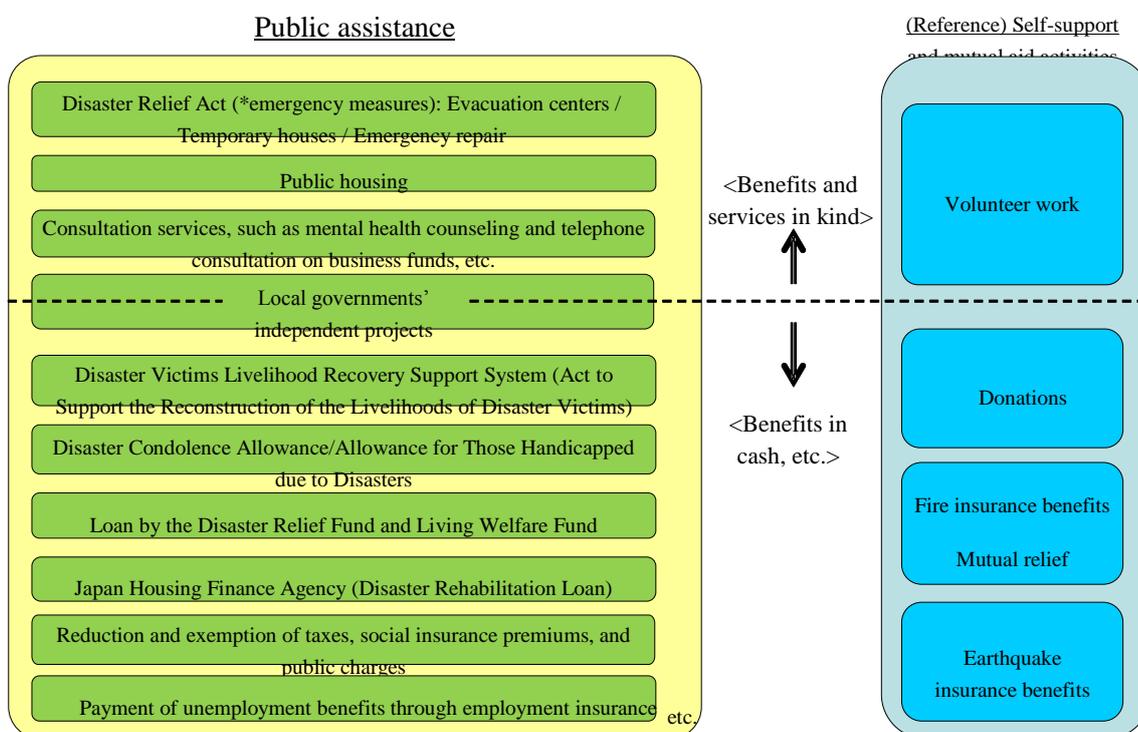
### Reply to the issues raised in paragraph 20 of the list of issues

99. In order to support the reconstruction of disaster victims' lives, the Government of Japan provides various systems in accordance with the degree of their ability to make self-help efforts.

100. For example, for those who can reconstruct their lives by their own means, assistance centering on providing loans such as Disaster Rehabilitation Loans is offered, while for those who cannot, assistance takes the forms of provision of public housing, lending from the Disaster Relief Fund and Living Welfare Fund, and reductions of and exemptions from various public charges. Reductions of and exemptions from national taxes and local taxes are also admitted for many disaster victims.

101. In addition, there are arrangements such as the Disaster Condolence Allowance granted to bereaved families and the Allowance for those Handicapped due to Disasters granted to those suffering severe impairments due to disasters, as well as the Disaster Victims Livelihood Recovery Support System under which aid money is provided to natural disaster victims who have suffered severe setbacks to their livelihood, utilizing the mutual aid fund contributed by the respective prefectures (see the chart below).

### Assistance to natural disaster victims



102. Furthermore, the Government of Japan provides victims of the Great East Japan Earthquake with information on measures being taken to support their lives by the following means:

- Publication of the “Handbook on Rebuilding the Lives of Disaster Victims and their Businesses”
- Preparation of the “Outline of Support Systems for the Lives of Disaster Victims (Edition 3/11 Great East Japan Earthquake)”

- Utilization of the “Retrieval Service on Restoration and Reconstruction Assistance Systems”

103. The Cabinet Office recognizes that it is a significant challenge to give due consideration to older persons, persons with disabilities, and others who require assistance in the time of a disaster (hereinafter referred to as “people requiring assistance”) in aiding their evacuation and their lives as evacuees, and has encouraged municipalities to prepare a list of those in need of support, an overall plan for assisting their evacuation, and an individual plan for each of them, in line with the Guidelines for Evacuation Support of People Requiring Assistance During a Disaster (hereinafter referred to as the “Guidelines”).

104. More specifically, people requiring assistance have tended to hesitate to seek consultations about necessary support at evacuation centres, while those taking charge of the respective evacuation centres and municipalities have had difficulty in ascertaining the needs of such people in order to provide proper support for them at evacuation centres. In light of such circumstances, future efforts will be made as follows:

- Municipal teams for supporting people requiring assistance during a disaster will take the initiative to establish a team for people requiring assistance (provisional title) at each evacuation centre, while asking for cooperation from voluntary disaster prevention bodies, welfare staff, and ordinary evacuees;
- In the event of a disaster, the team for people requiring assistance will set up a contact point for people requiring assistance at each evacuation centre to respond to their needs and provide them with accurate information and the necessary relief items;
- In setting up such a contact point, special consideration will be given for ascertaining the needs of women, babies, and young children, such as by using female staff.

105. Further, to improve the lives of people requiring assistance at evacuation centres, the following will also be taken into account.

- The team for people requiring assistance will make arrangements to utilize classrooms and healthcare rooms in a time of a disaster, and work to eliminate uneven surfaces and install handrails, etc.;
- Municipal teams for supporting people requiring assistance during a disaster, facility managers, voluntary disaster prevention bodies, and welfare staff will cooperate with each other on a normal basis to check and improve the conditions of facilities and means to utilize the facilities with due consideration to people requiring assistance.

106. At the same time, municipalities and prefectures are being required to make efforts for compiling and disseminating information on facilities (location, capacity, and facility equipment, etc.) that can serve as evacuation centres for people requiring assistance by utilizing existing facilities, such as social welfare facilities and schools for special needs education, which are convenient for such people and where life consultants are more readily available, thereby preparing an environment in which people requiring assistance can freely choose the evacuation centre most suitable for them.

107. The “Basic Guidelines for Reconstruction in response to the Great East Japan Earthquake” (approved in July 2011), which outline the overall government initiatives for reconstruction, require efforts in reconstructing communities to develop an environment in which the opinions of women, children, younger generations, older persons, persons with disabilities and foreigners are reflected inclusively through appropriate inclusion in discussions. The Government of Japan has disseminated the purport of Basic Guidelines to local governments.

108. With regard to disaster victims who lost their houses due to the Great East Japan Earthquake and who have difficulties in securing housing by themselves, the Government has been promoting the provision of public housing for disaster relief, while offering financial support in the form of interest-rate cuts on housing loans for those intending to rebuild their houses on their own.

**Reply to the issues raised in paragraph 21 of the list of issues**

109. In order to ensure that persons who require special consideration for access to housing, such as older persons, persons with disabilities, and child-rearing households, can acquire adequate housing in accordance with their respective characteristics, the Government of Japan has made efforts to properly prepare public housing and other public rental houses, as well as promote assistance for smooth moving into private rental houses, with the aim of building a multilayered flexible housing safety net by combining such measures.

110. The Act on Public Housing provides that a resident should evacuate public housing when he/she has an income over a certain standard, but since FY2012, under the Act on the Arrangement of Related Acts to Promotion of Reforms to Enhance Regional Autonomy and Independency, it has become possible for local governments, which are the business entities for providing public housing, to decide such standards for eligibility through their municipal ordinances and to ease them to a certain degree, depending on the respective regional circumstances, at their discretion.

**Reply to the issues raised in paragraph 22 of the list of issues**

111. In light of the purport of the Act on Special Measures concerning Assistance in Self-Support for the Homeless, the Government of Japan has been taking comprehensive measures for homeless people, covering all fields of employment, housing, health care, and welfare, etc. The major measures taken are the following.

- Project to promote comprehensive consultations for homeless people;
- Project to provide emergency temporary accommodations for homeless people;
- Project to assist self-support of homeless people;
- Project to support the poor and needy via NPOs and other private support groups.

112. As a result of the Nationwide Survey on Homelessness (rough number investigation) carried out in January 2012, it was confirmed that there were 9,576 homeless people nationwide, with the number having decreased by 8,988 from the results of the 2007 Survey. It is difficult to quantitatively measure political factors contributing to such a decrease, as economic circumstances and employment conditions also have a significant impact. However, we consider that past measures have exerted certain effects to decrease the number of homeless people.

**Changes in the number of homeless people nationwide**

<i>Year</i>	<i>2007</i>	<i>2012</i>
Number	18,564	9,576
(against the 2007 level)	—	- 8,988

113. Furthermore, the Government of Japan has been trying to ascertain the extent of local governments' initiatives to utilize vacant public housing for support of homeless people.

**Reply to the issues raised in paragraph 23 of the list of issues**

114. On 20 June 2012, the Act on Establishment of the Nuclear Regulation Authority (NRA) was passed and formed at the Diet session. Separated the former nuclear regulatory organization (Nuclear and Industrial Safety Agency) from the Ministry of Economy, Trade and Industry, the NRA was newly established under the Ministry of the Environment on 19 September 2012, as a highly independent administrative commission with functional integration of nuclear regulations (i.e., nuclear safety, nuclear security, safeguards for nuclear non-proliferation, radiation monitoring, and radioactive isotopes).

115. In order to prevent recurrence of such a severe accident at Fukushima Daiichi Nuclear Power Station, countermeasures against severe accidents will be enhanced fundamentally with overall reviews of the current nuclear regulation system. Diverse and multilayered safety measures will be required in a new regulation system in order to ensure that no nuclear accident or incident will lead to abnormal release of radioactive substances. Also, a so-called back-fit system will be introduced for nuclear facilities including the existing nuclear facilities in the new regulation system that will be developed based on the latest scientific knowledge.

116. Furthermore, in line with the introduction of a 40-year operational time limit for nuclear reactors, new safety standards for nuclear reactors with an operational time period of more than 40 years will be put under consideration from scientific and rational viewpoints.

**Outline of the Act on Establishment of the Nuclear Regulation Authority**

1. Organizational structure and functions of the Nuclear Regulation Authority (NRA):

- The NRA is established as an external bureau of the Ministry of the Environment. (The Chairman and the four Commissioners are designated by Japan's Prime Minister with approval at the Diet session.);
- The Secretariat of the NRA is established;
- Regulatory functions of nuclear safety, nuclear security, safeguards for nuclear non-proliferation, radiation monitoring, and radioactive isotopes shall be integrated in the NRA;
- The Japan Nuclear Energy Safety Organization (JNES) shall be under jurisdiction taken by the NRA. (Through necessary legal arrangements, JNES will be organizationally integrated into the NRA.).

2. Enhancement of nuclear safety regulations:

- Enhancement of countermeasures against severe accidents;
- Implementation of safety regulations based on the latest scientific knowledge (introduction of so-called backfit system);
- Introduction of 40-year operational time limit for nuclear reactors.

3. Enhancement of safety measures for nuclear emergency preparedness:

- Establishment of the Nuclear Emergency Preparedness Commission under the Cabinet, and promotion of policy enforcement regarding countermeasures for nuclear emergency preparedness in collaboration with relevant organizations;
- Legalization of the new Guidelines on Nuclear Emergency Preparedness;

- Functional enhancement of the Nuclear Emergency Response Headquarters, and facilitation of countermeasures to be taken after the cancellation of a nuclear emergency declaration;
- More clarification of the authority of the Director-General of the Nuclear Emergency Response Headquarters (the Prime Minister) during a nuclear emergency.

117. In order to ensure mid-to-long term health monitoring of people in Fukushima, the Government of Japan delivered a grant of 78.2 billion yen to the Fund for the Health Management of Fukushima Residents established by Fukushima Prefecture, thereby supporting the prefecture in full scale.

118. Fukushima Prefecture utilizes this Fund and conducts the Fukushima Residents' Health Management Survey, targeting all prefectural residents (around 2.02 million people), so as to ascertain their radiation exposure doses and health conditions. In particular, for all residents aged 18 or younger at the time of the earthquake, the prefecture has decided to conduct ultrasound thyroid examinations.

119. Furthermore, while the Government of Japan has been attending the Review Committee for the Fukushima Residents' Health Management Survey organized by the prefecture as some of the observers, Director-General of Environmental Health Department, Ministry of the Environment, now is attending as an official committee member from the 8th meeting, 11th September 2012.

#### **Reply to the issues raised in paragraph 24 of the list of issues**

120. Japan has adopted a universal health-care system, under which all people are covered by public health insurance and anyone who is ill or injured can receive medical treatment anytime, anywhere, using the insurance.

121. National health insurance premiums can be reduced for people with income below a certain level, to a maximum of a 70 per cent reduction of the premiums according to benefit received in accordance with the amount of income. Furthermore, when there are special circumstances in which an insured person cannot pay his/her premium due to such reasons as illness or the suspension or failure of a business, municipalities may reduce said person's premium or exempt him/her from the payment thereof on its own decision based on municipal ordinances. Thus, due consideration is given to the financial burdens of low-income people.

#### **Reply to the issues raised in paragraph 25 of the list of issues**

122. In order to build a system under which each and every person can receive proper medical services, the Government of Japan has implemented the following measures:

- Raising of the enrollment limit for medical colleges (increased by 68 students in FY2012, realizing the largest number of medical students to date);
- Reconstruction of the local medical care provision system (in the supplementary budget for FY2010, 210 billion yen was additionally allocated for Local Medical Services Reconstruction Funds);
- Enhancement of the doctor dispatch function (since FY2011, support has been offered to career support centre for medical doctors for their efforts to ensure doctors for regional hospitals suffering from doctor shortages);
- Promotion of in-home medical care and in-home nursing care (in the FY2012 budget, around 2.1 billion yen was allocated for a model project to develop a coordination base for home medical care).

123. The revision of medical service fees in FY2010 placed priority on (a) reconstruction of medical systems for emergency care, obstetrics, pediatrics, surgery, etc., and (b) reduction of the workload of hospital doctors, with the aim of ensuring high-quality medical services for the general public.

124. The revision of medical service fees in FY2012 focused on (a) reduction of the workload of overburdened hospital doctors and other medical service workers to ensure proper provision of acute medical care, etc., and (b) clarification of the division of roles in medical care and nursing care services, strengthening of collaborative systems in local communities, and enhancement of home medical care.

**Reply to the issues raised in paragraph 26 of the list of issues**

125. The Outline of Comprehensive Suicide Measures (Cabinet decision on 28 August 2012) cites the following as measures to be intensively focused on at the present time: (a) promotion of mental health measures at workplaces; (b) development of a system to promote good mental health in local communities and schools; and (c) promotion of mental care and reconstruction of victims' lives in times of large-scale disasters.

126. The enforcement of the Services and Supports for Persons with Disabilities Act in April 2006 expanded local life support services available for mentally disabled persons. The total number of disability welfare service users was 448,000 people in November 2007 and 640,000 in November 2011 (an increase of 42.9 per cent), of which the number of mentally disabled persons was 40,000 people in November 2007, and 100,000 in November 2011 (an increase of 150.0 per cent).

127. Furthermore, due to the revision to the Services and Supports for Persons with Disabilities Act in April 2012, consultation services from the viewpoint of welfare were enhanced through the addition of the following to the service menu:

- i. "Support for moving into local communities" to offer support for leaving a hospital, including the adjustment of houses;
- ii. "Support for settling in local communities" with a system to provide around-the-clock consultation services".

128. In the meantime, from the viewpoint of medical care, the Government of Japan has been trying to enhance the system to support mentally disabled persons and their families through such means as promoting outreach activities (visit support).

129. Outreach activities for mentally disabled persons have been conducted since April 2011, supporting those staying at home given their unstable conditions by way of arranging house visits and providing consultations by a team consisting of members of various occupations including medical staff.

130. In providing support for mentally disabled persons' moving into local communities and for their lives in general, it is necessary that medical services, welfare services and activities of local health centres be made available for them with close collaboration among related bodies. We consider it indispensable to develop such a system.

**Reply to the issues raised in paragraph 27 of the list of issues**

131. The Government of Japan has taken various support measures so that all children who have the will and ability can receive enhanced education and become independent, irrespective of their parents' financial conditions.

132. The major initiative at the preschool stage is the promotional grants for kindergarten enrollment. The Government of Japan bears part of the necessary expenses to help local governments that conduct projects to encourage kindergarten enrollment.

133. The major initiatives at the primary and secondary school stage are set out below:

134. **System to provide textbooks free of charge.** Pursuant to article 26, paragraph 2 of the Constitution, article 5, paragraph 4 of the Basic Act on Education, and article 6 of the School Education Act, compulsory education at national and public schools is free of charge (without the collection of tuition fees). Furthermore, based on the Act on Free Distribution of Textbooks for Compulsory Education Schools, textbooks to be used in compulsory education schools are provided to children free of charge.

135. **System to offer school expense subsidies.** The Government of Japan bears part of the necessary expenses to help municipalities that offer assistance for expenses for school supplies and school lunches, as well as medical costs, to guardians of children who are found to have difficulties in attending schools due to financial reasons.

136. **Free tuition fees at public high schools and high school enrollment support fund system.** Tuition fees were not charged at public high schools and students at private high schools, etc. are provided funds for tuition payments.

137. **Reduction of tuition fees of private upper secondary schools.** The Government of Japan bears part of prefectural subsidies (up to half) for reducing tuition fees, targeting students of private upper secondary schools who have difficulties in paying their tuition fees due to financial reasons.

138. **Prefectural scholarship programmes targeting students who have difficulties in attending upper secondary schools due to financial reasons.** The Government of Japan has transferred the scholarship programme for upper secondary school students, which had been provided by the Japan Student Services Organization (former the Japan Scholarship Foundation), to prefectures (the Government of Japan delivers funds for a certain period of time upon the transfer) to have them manage the scholarship program, together with the respective scholarship programs they had independently carried out so far.

139. **Promotional grants for school enrollment for special needs education.** The Government of Japan offers a promotional programme for school enrollment for students with special needs which mitigates the required attendance costs for kindergarten, elementary school, junior high school, and schools for special needs education.

140. The major initiatives at the higher education stage are set out below:

141. **Exemption from school fees for national and public universities.** University tuition fees may be reduced or exempted in order to ensure educational opportunities for students with the will and ability, irrespective of their financial conditions.

142. **Enhancement of scholarship programmes for universities and other types of higher education institution.** Scholarship loan programmes are provided so that students with the will and ability can concentrate on study without financial constraints, and for the purpose of ensuring equal opportunity in education and human resources development.

143. Another major initiative is the Child Allowance System revised in FY2012. The Government of Japan provides child allowances to parents and other guardians of children until they graduate from lower secondary schools.

144. In applying the provisions of sub-paragraphs (b) and (c) of paragraph 2 of article 13 of the Covenant, the Government of Japan had reserved the right not to be bound by “in particular by the progressive introduction of free education” referred to in the said

provisions. On 11 September 2012, the Government of Japan informed the Secretary-General of the United Nations that it had decided to withdraw the said reservation.

#### **Reply to the issues raised in paragraph 28 of the list of issues**

145. The Human Rights Organs of the Ministry of Justice are conducting promotion activities on issues relating to discriminatory treatment of foreigners, nationwide and throughout the year.

146. Furthermore, when the Human Rights Organs recognize a suspected case of human rights infringement, such as discrimination on the grounds of being a foreign national, through human rights counseling, etc., they carry out investigation as a human rights infringement case, and if they recognize an act of human rights infringement through the investigation, they enlighten the relevant individuals and organizations on the idea of respecting human rights and take appropriate measures for eliminating the problem and preventing the recurrence of similar infringement on a case-by-case basis.

147. Incidentally, the number of human rights infringement cases for which an investigation was launched with regard to discriminatory treatment of foreigners is as follows:

	2007	2008	2009	2010	2011
Number of human rights infringement cases relating to discriminatory treatment of foreigners (Number of those for which an investigation was launched)	115	97	99	80	69

148. At present, Japanese elementary, and lower and upper secondary, schools provide children with education to deepen international understanding based on the Courses of Study, utilizing Social Studies classes and other subject classes, or through Moral Education, Special Activities, and Period for Integrated Studies, and so on. Schools are endeavoring to broaden children's global perspective and help them understand foreigners and others with different habits and cultures in order to cultivate their disposition and ability to coexist with a wide range of people.

149. Pursuant to the international human rights covenants and the Convention on the Rights of the Child, when a foreigner wants a child of whom he/she is the guardian to receive education in Japan, he/she can enrol the child in a public compulsory education school at no charge. The relevant school accepts the child free of charge, and every foreign child in Japanese public school is ensured an equal opportunity to receive education as to a Japanese national, including through the provision of textbooks free of charge and the offering of school expense subsidies.

150. Also with regard to upper secondary schools, those who have graduated from a lower secondary school or any equivalent school, or who have completed the first-stage course of a secondary school or are deemed to have equivalent or higher academic skills as specified by the Minister of Education, Culture, Sports, Science and Technology are admitted to enter an upper secondary school, under the School Education Act, irrespective of their race or nationality.

151. For the stage of upper secondary education, a system to eliminate tuition fees for public high schools and supply support funds to students of national and private high schools, etc. (free tuition fee at public high schools/high school enrollment support fund system) was introduced in April 2010 in order to reduce the burden of education expenses on households.

152. This free tuition fee at public high schools and high school enrollment support fund system cover students who are enrolled in (1) national, public, or private high schools, (2) secondary education schools (latter course), (3) schools for special needs education (upper secondary school), (4) colleges of technology (from the first to third year), (5) advanced courses at specialized training colleges, and (6) schools for foreigners approved as miscellaneous schools which are designated by the Minister of Education, Culture, Sports, Science and Technology as having curricula equivalent to high school curricula, irrespective of their national affiliation. Incidentally, schools for foreigners approved as miscellaneous schools which have curricula equivalent to high school curricula include (a) those which can be confirmed through an embassy as having curricula equivalent to the curricula of Japanese high schools, (b) those which can be confirmed as having obtained certification from an internationally-proven school evaluation organization, and (c) those which have been designated by the Minister of Education, Culture, Sports, Science and Technology as those which are recognized to have curricula equivalent to high school curricula in addition to those of the sorts listed in (a) and (b).

153. With regard to education concerning foreign children's own language and their own culture, it is possible to take up such topics at public schools in classes for the Period for Integrated Studies, etc., based on the Courses of Study and in accordance with the circumstances of respective local communities and children concerned. It is also possible to incorporate such education into extracurricular activities, and multiple local municipalities are actually making such efforts.

154. Some schools for foreigners are approved by prefectural governors as miscellaneous schools, and some of them receive subsidies upon an autonomous decision by each prefecture.

#### **Reply to the issues raised in paragraph 29 of the list of issues**

155. In 1997, the Act on the Promotion of Ainu Culture, and the Dissemination and Enlightenment of Knowledge about Ainu Tradition, etc. was enacted; and the Foundation for Research and Promotion of Ainu Culture, established in the same year for conducting activities to promote Ainu culture, became the designated corporation under the said Act.

156. With the support of the Government of Japan, the Foundation has been conducting activities for encouraging comprehensive and practical research concerning Ainu, promoting Ainu culture including the Ainu language, raising awareness of Ainu traditions, and supporting cultural re-creations, etc. In particular, with regard to the promotion of the Ainu language, the Foundation trains instructors, creates textbooks, and organizes Ainu language courses, including those on the radio. As means to promote Ainu culture, the Foundation prepares manuals for restoring traditional livelihoods, fosters narrators of oral literature and instructors of traditional culture and artifacts, such as wood carving, and provides assistance for making replicas of traditional crafts and exhibiting and publishing them. Furthermore, the Foundation also conducts activities for re-creating traditional living spaces, through fostering successors of Ainu culture as a whole, as well as developing natural materials necessary for transmitting Ainu culture which has been deeply rooted in nature.

157. At the same time, the "Symbolic Space for Ethnic Harmony," which was recommended in the report by the Advisory Council for Future Ainu Policy in 2009, is expected to serve as a national centre for the promotion of Ainu culture. The specific features of the Space are now being discussed, under the initiative of the Government of Japan.

158. In response to UNESCO's announcement in February 2009 to the effect that eight languages and dialects, including the Ainu language, are endangered in Japan, we have

conducted a field survey. Survey results compiling information on the characteristics of the Ainu language, its level of endangerment, reference materials, and the present status of the language, are available on the Agency for Cultural Affairs' website.

**Reply to the issues raised in paragraph 30 of the list of issues**

159. Article 2 of the Okinawa Promotion Special Measures Act (Act No. 14 of 2002) provides to the effect that “the national and local governments shall give due consideration to the preservation and utilization of excellent cultural assets unique to Okinawa, when establishing and implementing any measures for the promotion of Okinawa,” and article 84 of said Act also provides that “the national and local governments shall endeavor to ensure appropriate measures for the preservation and utilization of cultural assets that have been handed down in Okinawa, and at the same time shall properly give due consideration to the promotion of culture in local communities.”

160. The Basic Policy for the Promotion of Okinawa, which stipulates the significance of the promotion of Okinawa and matters concerning the direction thereof (decision by the Prime Minister on 11 May 2012), requires efforts for the maintenance and succession of the culture unique to Okinawa.

161. More specifically, the Law for the Protection of Cultural Properties defines cultural properties by classifying them into six categories—tangible cultural properties, intangible cultural properties, folk-cultural properties, monuments, cultural landscapes, and groups of historic buildings. The Law also covers technologies necessary for the preservation of these cultural properties and buried cultural properties as targets to be protected.

162. The Government of Japan designates, selects, and registers significant properties as important cultural properties, important intangible cultural properties, important tangible or intangible folk-cultural properties, historic sites, places of scenery, and natural monuments, and has taken necessary measures for their protection by providing assistance for the maintenance and public ownership of tangible cultural properties, and by providing assistance for the preparation of records and the fostering of individuals who hand down intangible cultural properties.

163. The Government of Japan has also been taking measures to protect designated cultural properties in Okinawa in the same manner as it does in other prefectures.

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