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Summary record of the 3926th meeting

Held at the Palais Wilson, Geneva, on Friday, 14 October 2022, at 10 a.m.

Chair: Ms. Pazartzis

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Seventh periodic report of Japan (continued) (CCPR/C/JPN/7; CCPR/C/JPN/QPR/7)

1. *At the invitation of the Chair, the delegation of Japan joined the meeting.*
2. **A representative of Japan**, responding to questions raised at the previous meeting (CCPR/C/SR.3925), said that the Government provided financial support for third-party assessments of child guidance centres and temporary shelters by councils established in each prefecture and by private entities. Children were provided with temporary protection in order to ascertain their psychological and physical well-being. Their placement in temporary protection against the wishes of their custodians was subject to judicial review pursuant to the amended Child Welfare Act. The child guidance centre was required to provide the court with relevant documents, including the opinions of the children's custodians or parents. Parents could also file an appeal against temporary protection under the Administrative Complaints Review Act.
3. The Government had faced lawsuits concerning victims of eugenic surgery under the former Eugenic Protection Act. The preamble to the Act on the Payment of Lump-Sum Compensation to People who Underwent Eugenic Surgery contained an apology for the damages suffered by victims.
4. **A representative of Japan** said that the police were required under article 189 (2) of the Code of Criminal Procedure to arrest and interrogate suspects in cases involving the disappearance of migrants and to request further investigations by public prosecutors in order to determine whether they should be indicted. The police also cooperated, where necessary, with government entities such as the Immigration Services Agency.
5. **Mr. Imafuku** (Japan) said that targets for women's representation in various fields had been set for the period 2020–2025 pursuant to the Basic Law for a Gender Equal Society. A target of 35 per cent by 2025 had been set for candidates for election to the House of Representatives and the House of Councillors; the percentage for the two Houses had been 17.8 per cent and 28.1 per cent, respectively, in 2017. In the October 2021 election, the percentage for the House of Representatives had remained at 17.7 per cent while the percentage for the House of Councillors had risen to 33.2 per cent. The 2025 target for female prosecutors was 30 per cent, the percentage having increased from 25.4 per cent in 2020 to 26.4 per cent in 2022. The 2025 target for director-level positions in the public administration had been set at 10 per cent and the target for positions at the director-general and deputy director-general levels at 8 per cent. The percentage of women at the director level had increased from 5.9 per cent in 2020 to 6.4 per cent in 2022, while the percentage at the director-general and deputy director-general levels had remained stable at 4.4 per cent in 2020 and 4.2 per cent in 2022. The 2025 target for the diplomatic corps had been set at 13 per cent and a percentage of 8.9 per cent had been recorded in 2021. The 2025 target for section managers in private companies had been set at 18 per cent and for general managers at 12 per cent, the percentages having risen from 11.4 per cent in 2019 to 12.4 per cent in 2021 and from 6.9 per cent in 2019 to 7.7 per cent in 2021, respectively.
6. There were currently no plans to revise the primary requirement for lifting an evacuation order, namely, that annual cumulative radiation exposure was less than 20 millisieverts. Before displaced persons could return, it was also essential to restore gas, electricity and medical services and to increase decontamination activities in order to guarantee a safe environment for children. In addition, consultations needed to be conducted with municipalities and citizens. Support was provided to all internally displaced persons, regardless of whether their displacement was categorized as voluntary or involuntary.
7. While the Act on Public Housing had been amended in 2011 and the "living relative" requirement had been removed, local municipalities were still entitled to impose specific requirements. However, the promulgation of the Act on Special Cases in Handling Gender for Persons with Gender Identity Disorder in 2003 had led to a better understanding of lesbian, gay, bisexual, transgender and intersex persons in society as a whole and some public

entities were providing partnership assistance for same-sex couples. For instance, same-sex couples had access to public housing in the Tokyo districts of Shibuya and Setagaya.

8. In July 2022, the Japanese authorities had decided to provide assistance in 151 cases involving the return of children to foreign countries and 125 cases involving the return of children to Japan. The parties involved were either given access to lawyers who were familiar with the Hague Convention on the Civil Aspects of International Child Abduction or were introduced to alternative dispute resolution organizations that promoted settlements through decisions such as cost-sharing.

9. **A representative of Japan** said that the Family Law Subcommittee of the Legislative Council had been discussing matters relating to childcare following divorce, including a legal framework for parental authority and visitation rights, since March 2021.

10. **A representative of Japan**, responding to a question raised at the previous meeting regarding disputes between childcare centres and parents, said that, in 2021, the courts had considered 425 cases concerning the admission of children to foster homes or other support facilities. They had granted admission in 335 cases and had dismissed 15 cases. The remaining cases had been withdrawn during the legal proceedings.

11. The Ministry of Foreign Affairs distributed the Committee's general comments among relevant ministries, regardless of the fact that they were not legally binding. The Legal Training and Research Institute for judges, which was affiliated to the Supreme Court, hosted lectures by scholars on how to interpret human rights treaties based on general comments.

12. Striking a balance between the protection of freedom of speech and combating statements that could promote discrimination and lead to crimes presented quite a challenge. Although hate speech was not criminalized in his country, the authorities were not indifferent to such acts. Persons who resorted to offensive discourse could be convicted of defamation, and, if such acts led to physical injuries, also of assault. The sentence prescribed for assault had been increased in 2022 and offenders could be imprisoned.

13. **A representative of Japan** said that investigations pursuant to the Act on Punishment of Organized Crime and Control of the Proceeds of Crime had not changed. The Code of Criminal Procedure laid down specific requirements for the investigation of terrorist crimes and acts of preparation for terrorism. As the investigations were also subject to adjudication by the courts, citizens' rights were not undermined. Overreliance on confessions to find a suspect guilty could undermine the justice system; if a confession was not backed up by objective corroborating evidence, there would be no indictment.

14. Audiovisual recordings of interrogations were designed to ensure the propriety of the procedure but defendants and witnesses were also required to make statements during the court sessions. Meetings to discuss the implementation of the amended Code of Criminal Procedure during which opinions on audiovisual recordings had been shared had been held on 28 July and 3 October 2022, and a third meeting was scheduled for 25 November 2022. Juveniles and their parents or custodians could appoint an attendant to support them during legal proceedings and a public prosecutor could attend family court hearings concerning serious offences. If juveniles lacked an attendant to serve as defence counsel, the State could appoint one in its official capacity.

15. The death penalty could be imposed for 19 serious offences. The Supreme Court had ruled in 1983 that judgments in such cases should be based on cautious and careful deliberations and should be handed down only for extremely serious crimes such as intentional homicide.

16. **A representative of Japan** said that death row inmates who were placed in solitary confinement were entitled to counselling and visits from volunteers and were permitted to watch television.

17. **A representative of Japan** said that physicians provided hormone treatment for transgender inmates if they believed that the inmates required such treatment for sexual identity disorders.

18. **A representative of Japan** said that his country had enacted laws on a wide variety of human rights issues including the rights of children, women and persons with disabilities,

the elimination of discrimination against black people and the elimination of hate speech. A human rights law for the Ainu people had also been enacted.

19. **Mr. Muhumuza** said that the Committee would appreciate information on measures taken either to abolish the substitute detention system or to ensure that it was fully compatible with the provisions of the Covenant. In particular, it wished to know whether alternatives to detention, such as bail, were duly considered during pre-indictment detention and whether steps were taken to ensure that a defence counsel was present during all interrogations. He enquired about the eligibility criteria for court-appointed counsel under the law enacted in May 2016 and asked whether such legal assistance was available from the time of arrest, whether strict time limits for interrogation and custody had been set, and whether an independent complaints mechanism had been established for the prompt, impartial and effective investigation of allegations of torture and ill-treatment during interrogation. Since the Committee had been informed of instances in which interrogation had been conducted in the absence of defence counsel, ostensibly because the suspect might conceal or destroy evidence or otherwise tamper with the investigation, he wished to know what criteria were used to determine whether such a risk existed and what measures had been taken to ensure that defendants had access to defence counsel throughout criminal proceedings.

20. The Committee would welcome information on recent measures, including legislative measures, taken to address the forcible return of intern trainees, to prohibit forced training, and to provide safeguards against reprisals and deportation for trainees who complained of human rights violations. It would be useful to know whether further measures to prevent the recruitment of low-paid intern trainees and to increase the number of on-site inspections were planned. Details of measures taken to ensure that the human resources allocated to the Organization for Technical Intern Training and the periodicity of its inspections were sufficient to allow it to carry out its functions effectively would be appreciated, as would updated information on the number of complaints submitted annually by trainees since the adoption of the previous concluding observations and on the measures taken to establish a genuinely independent complaints mechanism. He wondered whether interns were free to change stations or occupations or whether they were restricted to one organization. The Committee would appreciate statistical data on inspections aimed at combating violations of the rights of technical interns, information about how the protection of interns who reported violations was ensured, and statistical data attesting to the increase, if any, in reports since 3 October 2018. He also wished to know what action was taken to prevent the prospect of deportation from constituting a disincentive to the reporting of grievances by interns.

21. The Committee had been informed that the current Broadcasting Act and Radio Act granted sweeping powers to the Government to suspend broadcasters' operations, thereby unduly restricting the right to freedom of expression. It would therefore like to know whether reporting on situations of legitimate public interest that did not harm national security could be prohibited. He would be grateful for information on the State party's response to the concerns expressed by the Committee and the Special Rapporteur on freedom of opinion and expression about the lack of sufficiently independent oversight mechanisms and the denial of access for such mechanisms to certain information as required to determine whether its designation as secret was appropriate. He also wished to know whether whistle-blowers who reported unethical conduct in connection with the designation of information as secret were protected.

22. **Ms. Bassim** said, with regard to Fukushima, that she hoped the Government of Japan would continue to support evacuees and those living in contaminated areas and to increase health service provision for those affected by radiation.

23. The Committee had received reports that, while the overall number of prisoners in solitary confinement or isolation had decreased, the number held in solitary confinement or isolation for periods of over 10 years had increased from 21 in 2012 to 32 in 2016, and 12 of those prisoners had had mental disabilities. She asked the delegation to comment on those reports, and on allegations that some convicted persons were held under house arrest for more than 30 years. She would appreciate information on the regulations governing solitary confinement and the measures taken to ensure that it was only imposed as a last resort, that it was proportionate to the offence committed, and that it was applied for the shortest possible time. The delegation might also comment on reports of restrictions on contact with the

outside world, censorship of correspondence with lawyers, and the presence of guards during meetings between inmates and human rights lawyers. She would also like to know what was being done to improve health care in prisons and address the chronic shortage of medical staff.

24. With regard to trafficking in persons for sexual exploitation, she asked the delegation to report on measures taken to enhance victim identification, ensure the provision of specialized training for the relevant officials, conduct thorough investigations, prosecute the perpetrators and ensure that the penalties imposed were proportionate to the acts committed. Figures for investigations, prosecutions, convictions and penalties from July 2014 onward would be appreciated. She also wished to know what was being done to ensure adequate victim protection and support, including access to interpretation services and the provision of legal support for claiming compensation.

25. On the right to privacy, the Committee had received information from several sources about blanket monitoring and the gathering of information on Muslims, including reports of official documents containing personal and financial information about Muslims in Japan being leaked by the Tokyo Metropolitan Police Department. She invited the delegation to report on efforts to safeguard against unlawful surveillance and violations of the right to privacy and ensure access to effective remedies for violations of the rights to equal treatment and religious freedom.

26. Concerns had been raised with regard to legislation on digital reform, in particular the lack of provisions on the right to control one's own information and the presence of provisions allowing for the exceptional use and sharing of personal information by administrative bodies and the private sector without guaranteeing privacy rights or a third-party monitoring mechanism. With that in mind, how could the mandate of the Personal Information Protection Committee be strengthened? The Committee also had concerns about the vague definitions of terminology used in the recently enacted Land Use Regulation Act. It would therefore appreciate the delegation's comments on the measures taken to protect the privacy of residents in places affected by the Act. Lastly, it would like to know whether the use of surveillance cameras, including those with facial recognition technology and online surveillance, was regulated by law.

27. **Mr. Yigezu** said that, despite the State party's approval, in 2015, of an agreement on the issue of "comfort women", several serious concerns had been raised with regard to the lack of transparency and inclusivity in the agreement, which fell short of meeting the needs of victims and survivors. The agreement had also been criticized for not providing an unequivocal official apology or full reparation to victims and their families. The shortcomings in the agreement had also been recognized by the Government of the Republic of Korea. In the light of the foregoing, would the State party consider revising the agreement to ensure adequate redress, including the right of victims and their families to the truth, full reparation and assurances of non-repetition? Thus far, no perpetrators of acts against "comfort women" had been brought to justice. Was the State party willing to investigate those alleged acts, and prosecute and, where guilty, punish the perpetrators? There had reportedly been many attempts to erase the history of violations against "comfort women". He therefore wished to know whether the State party intended to develop any educational materials on the matter, both in the school curriculum and for the general public, and whether measures would be taken to publicly condemn attempts to defame victims or deny the events that had occurred.

28. Although freedom of expression and the right to peaceful assembly were enshrined in the Constitution, the Committee had been informed of unjustifiable and disproportionate restrictions being imposed on protests and demonstrations by law enforcement authorities, including the arrest of protestors and the forcible removal of journalists from protest sites. He would be particularly interested in the delegation's comments on reports of arrests during protests against the construction of bases in Okinawa and on information indicating that Hiroji Yamashiro, a peace activist, had been detained for five months without a court hearing and had been denied fundamental safeguards. He asked the State party to explain how such treatment could be considered justifiable and consistent with articles 14, 19 and 21 of the Covenant.

29. With regard to the right to participate in public life, the total restriction of the right to vote for sentenced prisoners, including those convicted of misdemeanours, was not in line with the principle of proportionality. He asked the State party to clarify why that blanket restriction was maintained, and whether any exceptions were planned to ensure compatibility with the Covenant. Foreign nationals, including permanent residents, were not guaranteed the right to vote in local elections. Given that long-term residents, in particular those of Korean origin, were subject to the same tax obligations as Japanese nationals, would measures be taken to grant them the right to vote?

30. **Mr. Gómez Martínez** invited the delegation to explain how the concept of “public welfare” had evolved over recent years and how it had been applied, with examples of jurisprudence from the High Court. On freedom of expression and independence of the media, he asked whether article 174 of the Broadcasting Act, on the possibility of suspending broadcasters for a period of three months for breach of the Act, was compatible with the principle of media independence from the Government, and in particular from the current ruling party. How did the State party justify the closure, by the Minister of Internal Affairs and Communications, of unbiased media sources? Lastly, according to the Committee’s information, some 484 teachers had been suspended from duty, for a period of six months, for having sat in silence during the singing of the national anthem, which was considered a breach of public order. The Committee wished to know how such penalties were consistent with the provisions of article 18 of the Covenant, and whether the right to stay silent during the national anthem should not be covered by the right to conscientious objection enshrined in the same article.

31. **Ms. Sancin**, noting that, in connection with the removal of children from their guardians and placement in child guidance centres, the State party had mentioned a third-party evaluation system in place in each prefecture, asked who those third parties were, and how their independence and impartiality were ensured. Given that only child guidance centres would be reporting to courts under the forthcoming judicial review, how was the equality of all parties ensured and why were parents not permitted to bring claims directly before the courts?

32. Turning to the question of the treatment of migrants, including refugees and asylum seekers, she asked what measures were being taken to improve health conditions in migrant detention facilities, prevent ill-treatment during deportation, and prevent deaths in detention caused by a lack of proper medical care. She also asked what was being done to ensure access to fair and efficient asylum procedures and protection against refoulement, not only in law but also in practice, and to ensure in particular that collective expulsions did not take place without proper individualized risk assessments. She wondered whether access to an independent appeal mechanism with suspensive effect against negative decisions on asylum was guaranteed, given that the Committee had been informed of cases in which asylum seekers had been deported within 24 hours of the rejection of their application. The Committee would appreciate statistics on instances in which the Government’s reassessment of cases after positive opinions had been issued by refugee adjudication counsellors and the High Court had resulted in refugee status being granted.

33. She would like to know whether the State party would consider amending its legislation and policy on regular detention of asylum applicants – asylum seekers should only be detained as a last resort, for the shortest possible time, and only after all alternatives to administrative detention had been duly considered – and whether asylum-seekers were able to challenge the lawfulness of their detention before a court. Recalling that the Committee had received reports that the children of detained asylum seekers were either placed in the care of relatives in Japan or taken into the custody of child guidance centres, which raised serious concerns about the forcible separation of children from their parents, she asked what was being done to ensure due consideration of the best interests of the child. The Committee had also been informed that persons who had lost their resident status or visa lived in poor conditions along with their children, without the right to engage in income-generating activities, which left them in situations of extreme precarity. She wondered how the State party intended to rectify that situation, and whether it intended to adopt comprehensive asylum legislation in line with its international legal obligations, including provisions on maximum detention periods, access to legal counsel throughout the asylum procedure, and

access to employment for refugees and asylum seekers. She wondered whether the comprehensive measures on harmonious coexistence with foreign nationals covered asylum seekers and refugees.

34. With regard to the rights of minorities, she would like to know what measures had been taken to: revise relevant legislation to fully guarantee the rights of the Ainu, including their traditional fishing rights, and eliminate any discrimination against them; fully guarantee the rights of the indigenous Ryukyu and eliminate discrimination against them; guarantee the rights of the Okinawa communities to their traditional lands and natural resources; and ensure those communities' right to participate freely in decision-making that affected them, including by prohibiting violent crack-downs on protesters. She also asked what was done to ensure that the children of those communities had access to education in their native languages, in particular the Ryukyu language, which had been listed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as endangered. She wished to know if the State Party intended to respond to the Committee's recommendation that it should recognize the rights of Korean residents and their descendants as a national or ethnic minority, including their right to social security and their political rights, in particular the right to hold public office. Lastly, she would appreciate clarification as to how the exclusion of students in Korean schools from tuition support was justified, and why elderly Korean residents with disabilities were not eligible for benefits under the National Pension Law.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

35. **A representative of Japan** said, with regard to the protection of whistle-blowers, that the implementation standards for the Specially Designated Secrets (SDS) Act provided guarantees of protection against reprisals and confidentiality of reporting for whistle-blowers and that any penalties imposed upon whistle-blowers in retaliation for reporting must be revoked. The implementation standards were publicly available.

36. **A representative of Japan** said that there were three public oversight mechanisms. The first such mechanism was the parliamentary oversight committees, which existed in both houses of the National Diet and monitored SDS designation implementation status and security clearance. They received annual reports from the Government and information from other sources. To ensure proper scrutiny, they also had the capacity to request SDS reports. The second mechanism was an independent secretariat and cabinet office for public records management, which oversaw the verification of SDS designations, their implementation and their termination. The third was a third-party committee responsible for information protection and security for journalists, academics and others, which received information from a variety of sources, including reports from the Prime Minister, and could provide opinions for the revision of implementation standards.

37. Access to information was secured by those public oversight mechanisms, in line with legislation on information disclosure and public documents according to which any member of the public could request access to documents held by public bodies. If disclosure was not granted, an appeal procedure could be initiated, and an evaluation board would assess the case. In some cases, information classified as SDS could be viewed by the public. If an unauthorized disclosure was made, the SDS Act stipulated certain penalties. The definition of what constituted SDS was publicly available; any information classified as SDS was highly confidential, and its disclosure could be deemed a threat to Japan's national sovereignty and security.

38. **A representative of Japan** said that suspects could be placed in pre-indictment detention only in a limited set of circumstances. The maximum length of pre-indictment detention was 28 days. Prosecutors were required to charge or release the suspect within that relatively short period, which rendered the systematic application of non-custodial alternatives unfeasible. Suspects placed in pre-indictment detention had access to defence counsel, with whom they could hold private discussions and exchange confidential documents. To safeguard the rights of detainees, under the Act on Penal Detention Facilities and Treatment of Inmates and Detainees, the police division responsible for investigations was separate from that responsible for detention and the treatment of detainees. Detention facilities visiting committees operated out of the headquarters of each prefectural police force, visiting detention facilities and interviewing detainees about conditions in those

facilities. Police officers were not permitted to intercept documents or notes passed by detainees to a visiting committee. Detainees could also lodge complaints about their treatment through the complaints system and could request a review of their conditions by the detention services manager.

39. **A representative of Japan** said that, under article 133 of the Code of Criminal Procedure, taking a suspect into custody was justified only when there were reasonable grounds to believe that he or she would conceal or destroy evidence or attempt to flee. Whenever a suspect asked to consult with counsel during an interrogation, the counsel was immediately notified. Interrogations were never held late in the evening or for extended periods of time, except in exceptional circumstances, in which case authorization for the interrogation must be provided by the chief of the police station. Every effort was made to ensure that all statements given by suspects were offered voluntarily and suspects always had the right to review and confirm their statements.

40. **A representative of Japan** said that the release on bail of suspects who might conceal or destroy evidence or attempt to flee justice would create a serious risk of impeding the investigation. Moreover, the fact that detention orders could be revoked or suspended obviated the need for a pre-indictment bail system. The Government was not of the view that the maximum period of pre-indictment detention was too long. A judicial review of the necessity of each detention was carried out at the time of arrest and at the beginning of the period of detention and any extension of that period was subject to approval by a judge. Detention orders and decisions to extend the period of detention could be appealed by the suspect.

41. Whether or not to allow the presence of the suspect's defence counsel at interrogations was decided on a case-by-case basis, taking into consideration various factors, including the risk that the purpose of the interrogation could be undermined by the counsel's presence. It would not be appropriate to categorically allow defence lawyers to be present during all interrogations. The audiovisual recording of interrogations was mandatory in certain cases, in order to allow for the post facto review of interrogation sessions. Suspects placed in detention pursuant to a warrant had the right to a court-appointed defence counsel. However, that right did not apply from the moment of arrest. The judge was responsible for notifying suspects of their right to appoint a defence counsel and providing relevant contact information. An interrogation supervision system was in place in order to prevent the use of inappropriate interrogation techniques. In the event that a suspect or his or her defence counsel complained about an interrogation, an independent supervisor was informed, an investigation was carried out, the suspect and his or her counsel were informed of the outcome, and any necessary correctional measures were taken.

42. **A representative of Japan** said that the Government was working to crack down on trafficking in persons and forced labour. Regular training on combating trafficking in persons was organized for mid-level immigration officials in cooperation with the International Organization for Migration and non-governmental organizations (NGOs). Officials who received training were required to pass their knowledge on to officers in the field.

43. **A representative of Japan** said that all prisoners had access to adequate health-care services provided by professional in-house medical officers. All prisoners underwent a medical examination upon admission and on a regular basis thereafter. Prisoners who required specialized treatment that could not be provided on site were transferred to a prison hospital or escorted to an external medical facility. Under the 2015 Act on Special Provisions for the Subsidiary Work and Working Hours of Correctional Medical Officers, regular training was organized for medical officers. Through application of the Act, the number of medical officers had risen from 253 in 2015 to 292 as at 1 April 2018.

44. Prisoners who had difficulties adjusting to group treatment, who refused to work or who repeatedly caused trouble in group settings were placed in single rooms, where they lived and worked. Prisoners living in single rooms had daily contact with staff members, regular contact with the outside world and contact with other prisoners through group exercise sessions at least twice per month. Prison staff took steps to enable such prisoners to reintegrate into the general prison population, for example, by arranging counselling with psychiatric professionals. In 2021, just under 800 prisoners had been living in single rooms.

Prisoners could also be placed in isolation when there was a risk that they might undermine discipline among the general prison population. The initial period of isolation was three months, and the necessity of continued isolation was reviewed every three months on the basis of a physical and psychological health assessment. Any complaints of physical or mental illness from prisoners in isolation were duly investigated.

45. Visits were organized during the day but could be arranged outside of normal visiting hours provided that doing so would not be disruptive for prison staff. Likewise, meetings between pretrial detainees and their lawyers were organized during the day. Prison wardens could set limits on visiting hours and the number of visits permitted over a given period. However, every prisoner had the right to at least two visits per month. Visits were always supervised by prison staff, except when the warden deemed the absence of a staff member not to pose a security risk or when the prisoner was meeting with counsel or receiving a visit from a representative of a public authority responsible for monitoring detention conditions. Correspondence between prisoners and counsel was checked only to ensure that it was properly addressed.

46. **A representative of Japan** said that there was no ethnic profiling in Japan and Muslims were not unfairly targeted by the police. Compensation had been paid to the persons whose personal information had been leaked from the database of the Tokyo Metropolitan Police Department and the individuals were currently receiving personal support from the authorities. Mr. Yamashiro had been arrested on three occasions, once in flagrante delicto and twice pursuant to an arrest warrant. He had not been arrested for exercising his right to peaceful protest but rather for causing harm to other citizens and destroying their property. Prosecution proceedings had been brought against him on that basis.

47. **A representative of Japan** said that foreign nationals had the right to receive a State pension provided that they had made the requisite social security contributions. The Japanese nationality requirement had been abolished in 1982, when changes had been made to the national pension system pursuant to the Immigration Control and Refugee Recognition Act. Nonetheless, because of the existence of the nationality requirement prior to that date, some foreign nationals, including Koreans, had been unable to achieve the minimum contribution period, which at that time had been 25 years, before reaching retirement age. No transitional arrangements had been made, but the Supreme Court had ruled that the situation of such persons did not violate the Constitution. Nonetheless, the rules governing the national pension system had since been further amended to allow for years of permanent residence in Japan to be counted as part of the State pension qualifying period.

48. **Mr. Imafuku** Takao (Japan) said that all Japanese nationals, including the Ainu people, had equal rights to land and property. A law promoting measures for the realization of a society in which the pride of the Ainu people was respected, known as the Ainu Policy Promotion Act, had been adopted in 2019 and various municipal initiatives had been launched in support of the Ainu people, who benefitted from special forestry and salmon fishing entitlements. A law promoting the development of the people of Okinawa, who had the right to enjoy their own culture, religious beliefs and language and benefitted from special economic support, had also been passed.

49. According to the Supreme Court judgment of February 1995, the Constitution recognized the right to vote in local elections only for Japanese nationals. However, the judgment did not rule out the possibility of the right to vote in local elections being extended to foreign nationals in the future. That matter was the subject of much discussion in the National Diet. Only Japanese nationals could exercise public authority in Japan. However, foreign nationals could be appointed to roles in public office that entailed no exercise of public authority. Under the Broadcasting Act, the Government was prohibited from interfering with the independence of broadcasters, whose freedom of expression was protected by the Constitution.

50. **Mr. Imafuku** (Japan), referring to the terms used in the Land Use Regulation Act, said that “important facilities” covered defence-related facilities and other vital facilities such as airports and nuclear power plants. It was not possible to provide an exhaustive list of acts that might impede the functioning of those facilities, especially as technological advances

continued to be made; nevertheless, a list of some of the acts covered would be made available. Personal data would be protected under the Act.

51. Summarizing the information provided in paragraphs 149 and 153–154 of his country's seventh periodic report (CCPR/C/JPN/7), he said that the issue of "comfort women" had been addressed under an agreement reached between Japan and the Republic of Korea in 2015 and that financial support had been provided to former "comfort women" and their families. The Government did not consider it appropriate to raise the issue during the dialogue as the Covenant could not be applied retroactively to events that had taken place prior to its entry into force in Japan.

52. **A representative of Japan** said that schools could choose from a selection of approved history textbooks that had been published by the private sector and were in line with the national curriculum. The issue of "comfort women" was mentioned in many of the textbooks used in junior high schools and high schools.

53. **A representative of Japan** said that, under the Constitution, some rights, such as the freedom to choose and change one's place of residence, were guaranteed only to the extent that they did not interfere with public welfare. Such an approach was comparable to the principle set out in article 19 (3) of the Covenant. Any restrictions on human rights were imposed with due regard for the nature, extent and necessity of the restriction and the nature of the rights in question, in accordance with the relevant case law.

54. **A representative of Japan** said that there were safeguards in place to ensure that foreign technical intern trainees were not forced to return to their home countries against their will. The Organization for Technical Intern Training checked each individual training plan and carried out inspections at implementing organizations in order to ensure that trainees were paid an appropriate amount. The working conditions in implementing organizations were monitored by the Organization and the labour inspectorate. Anyone who assaulted a trainee was liable to prosecution. Upon arrival in Japan, all trainees were given a brochure explaining how to file a complaint. When serious human rights violations were reported, the Organization conducted on-site inspections of the relevant supervising and implementing organizations and provided guidance and protection to the trainees concerned, including additional financial support and assistance with returning to their home country or transferring to a different implementing organization.

55. The staff of the Organization for Technical Intern Training had almost doubled in size since 2019, and, as a result, the number of on-site inspections had increased from around 18,000 in 2019 to around 28,000 in 2021. The Organization had sufficient resources to inspect supervising organizations once a year and implementing organizations once every three years. The Minister of Justice was reviewing the Technical Intern Training Act in cooperation with NGOs. Improvements would be made to the training system in the light of the concerns raised by those organizations. Although the number of cases in which guidance had been issued to implementing and supervising organizations had increased, the number of reports of serious violations had remained stable while the number of cases in which trainees had required protection had fallen. There had been a steep rise in the number of trainees seeking information through native language consultations. It was therefore likely that trainees were generally aware of the existence of a complaint mechanism.

56. **A representative of Japan**, summarizing the information provided in paragraphs 216–219 of the periodic report, said that the way in which the national flag and the national anthem featured in school ceremonies did not violate article 19 of the Constitution or article 18 of the Covenant. Although the requirement that teachers stand during the national anthem might indirectly restrict their freedom of thought and conscience, the Supreme Court had ruled that such a requirement was reasonable because, if teachers did not stand, they could not keep order or guide their students appropriately.

57. **A representative of Japan** said that decisions to place children under temporary protection could be challenged through administrative proceedings and were also subject to judicial review. The court's decision in such cases was based on the information submitted by the relevant child guidance centre. The children and parents concerned were not heard directly by the court. There were plans to improve the temporary protection system, and the possibility of establishing a complaint mechanism was being considered. The child guidance

centres underwent third-party evaluations by independent social welfare councils made up of lawyers, academics and other professionals.

58. **A representative of Japan** said that 44 people had been arrested for human trafficking in 2021. As at 31 March 2022, 31 of those people had been convicted and sentenced to terms of imprisonment ranging from 10 months to 8 years. A further six people had been indicted and their cases remained pending.

59. **Mr. Santos Pais** asked how many cases of missing persons had been reported and investigated and whether relatives of missing persons were able to participate in the proceedings in such cases.

60. **Ms. Bassim** said that she had not yet received answers to her questions regarding victim identification procedures and victim protection and support measures in cases of forced labour and sexual exploitation. She would also welcome more information on the six digital reform-related laws enacted in 2021 and the regulation of online surveillance and surveillance camera use.

61. **Mr. Yigezu**, welcoming the information provided about the case involving the peace activist, Hiroji Yamashiro, said that the State party had not yet commented on the other incidents that he had mentioned in connection with article 21 of the Covenant.

62. **Mr. Muhumuza** said that he would appreciate further information on the way in which whistle-blowers who reported misconduct relating to the designation of information as secret were protected.

63. **Ms. Sancin** said that she had not yet received answers to her questions regarding the detention and ill-treatment of migrants and asylum-seekers. Regarding the issue of “comfort women”, it should be noted that harm caused in the past that had not been fully addressed constituted a continuing violation and therefore fell within the scope of the Covenant.

64. **Mr. Imafuku** (Japan), thanking the Committee for the comprehensive and constructive dialogue, said that his delegation had done its best to respond in good faith to the questions raised. The Government would continue its efforts to protect and promote civil and political rights in cooperation with national stakeholders and the international community.

65. **The Chair**, thanking the delegation for its attentiveness and organization and recalling that any additional information could be submitted in writing within 48 hours, said that the Committee was pleased that Japan continued to take its obligations under the Covenant seriously and wished to encourage it to consider ratifying the first Optional Protocol to the Covenant. It was unfortunate that the State party’s position on some of the issues raised by the Committee in its previous concluding observations did not appear to have changed. The Committee hoped that the State party would take steps to address its concerns regarding, for example, the disappearance of foreign nationals and the legal framework governing child removal, and that it would consider limiting the use of the death penalty to only the most serious crimes, in accordance with the Covenant.

The meeting rose at 1.05 p.m.