



International Covenant on Civil and Political Rights

Distr.: General
20 October 2022

Original: English

Human Rights Committee 136th session

Summary record of the 3925th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 13 October 2022, at 3 p.m.

Chair: Ms. Pazartzis

Contents

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

Seventh periodic report of Japan

* No summary records were issued for the 3923rd and 3924th meetings.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

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

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

1. *At the invitation of the Chair, the delegation of Japan joined the meeting.*
2. **The Deputy Permanent Representative of Japan to the United Nations and other international organizations in Geneva** said that the Covenant, and the efforts of the Government of Japan to give effect to its provisions, were the focus of great interest in his country, as was demonstrated by the large number of written submissions received from Japanese civil society organizations in advance of the current dialogue. In the light of the Committee's concluding observations on the previous periodic report of Japan (CCPR/C/JPN/CO/6), his Government had taken steps to promote human rights, improve its policies and raise awareness in various areas. The outcome of the current dialogue would inform its ongoing efforts to address human rights challenges. The Government of Japan believed that human rights were universal and that their protection was a basic responsibility of all States. Accordingly, it strove to promote human rights protection through dialogue and cooperation.
3. **Mr. Imafuku** (Japan), introducing his country's seventh periodic report (CCPR/C/JPN/7), said that various ministries and agencies had been involved in preparing the report. The Government had also solicited input from civil society, including by organizing a webinar with the Japan Federation of Bar Associations. Since the submission of the report, the Government had continued its efforts to protect and promote human rights in various ways, paying particular attention to issues addressed in the Committee's previous concluding observations. His introductory statement would focus on those issues.
4. Gender equality and promoting women's empowerment were particular priorities and a number of measures had recently been adopted to address those issues. For example, in 2016 the Civil Code had been amended to shorten the waiting period for women wishing to remarry, in April 2022 the minimum age of marriage for women and men had been aligned at 18 years, and, since July 2022, employers with more than 300 employees had been required to disclose gender wage gap information. In December, Japan would host the 2022 World Assembly for Women, for which the chosen theme was "Mainstreaming Gender into a New Form of Capitalism".
5. The Government of Japan had also adopted various measures to protect the rights of minorities. In 2016 it had adopted a law on the promotion of efforts to eliminate unfair discriminatory speech and behaviour against persons originating from outside Japan, known as the Hate Speech Elimination Act. The Act outlawed all discriminatory speech and behaviour against persons from specific ethnic groups or nations. In addition, the human rights counselling provided by the Ministry of Justice through its network of legal affairs bureaux was now available in approximately 80 languages, and, in July 2020, a museum and park had been opened to serve as a national centre for revitalizing and developing Ainu culture.
6. In 2017, the Criminal Code had been amended so that perpetrators of sexual offences could be prosecuted even if the victim had not filed a complaint, thereby reducing the burden on victims and allowing for such crimes to be dealt with more effectively. The Government was also taking proactive steps to ensure that audiovisual recordings were made of interrogations, and, in the 2021/22 fiscal year, approximately 94 per cent of in-custody interviews conducted by public prosecutors had been recorded.
7. The Technical Intern Training Programme continued to promote cooperation and facilitate the transfer of skills, technologies and knowledge from Japan to developing countries with a view to cultivating the human resources needed to drive economic development. In the 2021/22 fiscal year, over 28,000 on-site inspections had been carried out to ensure the proper administration of the Programme and the Government would continue discussing how to implement the Programme in a manner that ensured that trainees were treated appropriately.

8. In 2021, refugee status within the meaning of the Convention relating to the Status of Refugees or special permission to stay on humanitarian grounds had been granted to 654 persons, which represented a threefold increase compared to 2014. Applicants were very rarely detained during the application process, even if they had not been granted residence. By the end of September 2022, the county had also accepted almost 2,000 evacuees from Ukraine. The authorities strove to avoid detention in the context of deportation proceedings to the extent possible, and, where such detention was deemed necessary, to ensure that its duration was minimal. As at late 2021, less than 2 per cent of persons subject to a deportation order had been detained by the Immigration Services Agency and in the course of the same year the average length of detention pending deportation had been approximately 80 days. To prevent long-term detention in that context, the Government was considering the possibility of amending the Immigration Control and Refugee Recognition Act to set out alternatives to detention and further improve the treatment of detainees.

9. In 2021, the post of special adviser to the Prime Minister for international human rights affairs had been established to promote human rights-related activities.

10. **Ms. Sancin**, commending the State party for the initiatives introduced to give effect to the Committee's previous concluding observations, said that she wished to know, in that connection, what specific mechanisms were in place to review the implementation of the Committee's recommendations.

11. As the State party had provided only one example of a ruling in which the national courts had made direct reference to the Covenant, namely a ruling by the Supreme Court in a case concerning the unequal inheritance rights of children born in and out of wedlock, she would appreciate additional examples, including examples drawn from the case law of lower courts. With regard to the specific ruling in question, in the light of subsequent developments in the case law of the Supreme Court, she wondered whether the State party planned to ensure that its legislation and practices were fully consistent with article 24 of the Covenant, to adopt measures to eliminate all forms of discrimination and stigma against children and their mothers and to establish a time frame for that process. She also invited the delegation to comment on the phenomenon of parental child abductions, and to respond to worrying reports that children could be removed from their families and placed in child guidance centres without a court order and without clear evidence of parental abuse and that such centres had a strong financial incentive to accept them. Examples of references to the Covenant by non-judicial law-applying institutions would also be welcome. With regard to the training provided for lawyers, judges and prosecutors, she would be grateful for examples of courses focused specifically on the application and interpretation of the Covenant, together with an indication of how long the courses lasted and how often they were held.

12. The Committee would appreciate an update on discussions under way in the State party regarding the possibility of acceding to the Optional Protocol to the Covenant. It would also be helpful if the delegation could confirm that the proposal to delete article 97 of the Constitution, which enshrined the principle of the inviolability of fundamental human rights, had been abandoned. If that proposal remained under discussion, how was it compatible with the State party's obligations under the Covenant?

13. **Ms. Bassim** said that she would be grateful if the delegation could report on any progress made towards the establishment of a national human rights institution with a broad human rights mandate and adequate financial and human resources that complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and explain the causes of the delays encountered.

14. She would also like to know whether the State party was considering the possibility of abolishing the waiting period for women wishing to remarry following divorce and whether widows were also required to observe a waiting period before remarrying. It was unclear what measures had been taken to implement articles 731–737 of the Civil Code, which established a minimum age of marriage for women and men of 18 years, and how the provisions in question were applied, particularly in rural areas and among minority communities. It would be useful to learn what progress had been made in amending article 750 of the Civil Code, which required married couples to use the same surname – a requirement that in practice often compelled a woman to adopt her husband's surname.

15. She would appreciate information on the representation of women in decision-making positions and on measures planned to promote and increase their representation in such positions, eradicate the associated negative stereotypes and ensure that women were adequately represented in the legislature, ministries, local government, the judiciary, the diplomatic service and academia. In that connection, information on the representation of minority women, including, for example, Buraku, Ainu and Zainichi Korean women, would be particularly welcome. She would like to know whether the State party had an independent body with responsibility for women's affairs and what the 2022 World Assembly for Women was intended to achieve.

16. The Committee was concerned about reports that over 30,000 people remained displaced as a result of the accident at the Fukushima Daiichi nuclear power station, were subsisting without any source of livelihood, compensation or government housing assistance and remained forced to live in unsafe areas. She would be grateful if the delegation could respond to concerns that the lifting, in March 2017, of the designation of all remaining areas exposed to radiation levels of under 20 millisieverts per year as evacuation zones placed the life and health of affected persons at risk. She wondered whether consideration had been given to the possibility of reviewing the high threshold for the designation of evacuation zones, and why free housing support was no longer provided for evacuees living outside the evacuation zones who might now be forced to return to highly contaminated areas. In view of remarks made by the Special Rapporteur on the human rights of internally displaced persons following her recent visit to Japan, she wished to know what measures would be put in place to ensure that all internally displaced persons had access to the necessary support. Lastly, she would be grateful if the delegation could comment on reports that the incidence of thyroid cancer in children had increased since the accident and indicate whether, aside from the biennial ultrasound checks organized for children, any measures had been taken to protect the right to life of persons affected by radiation and provide them with treatment for radiation exposure.

17. **Mr. Yigezu** said that the information provided by the State party regarding anti-discrimination legislation concerned only specific laws and regulations that prohibited discrimination in certain specific areas. Moreover, the list of prohibited grounds of discrimination set out in article 14 of the Constitution did not appear to be fully consistent with article 26 of the Covenant. He wished to know what had prevented the State party from adopting comprehensive legislation that prohibited all forms of discrimination and whether any specific steps towards the adoption of such legislation were planned.

18. Written information submitted to the Committee indicated that, in practice, lesbian, gay, bisexual and transgender persons continued to face social harassment and discrimination, including discrimination in access to essential services. It would be useful if the delegation could indicate what legislative measures might be taken to prevent local authorities from discriminating against same-sex couples in the provision of public housing, and what legal and practical measures were planned to eliminate all forms of discrimination against lesbian, gay, bisexual, transgender and intersex persons, including, for example, by raising awareness and understanding among all stakeholders.

19. In its report, the State party acknowledged that hate speech had been used at demonstrations and rallies by groups "engaged in extreme nationalist and xenophobic activities" but seemed to shy away from recognizing that the hatred had been directed against specific races and ethnic minorities on the basis of their identity. With numerous stakeholders having noted that racial discrimination and racially motivated hate speech remained a serious problem in the State party, he wondered how the prevalence of such practices was compatible with the State party's obligations under articles 20 and 26 of the Covenant and article 14 of the Constitution.

20. Noting that the Hate Speech Elimination Act neither explicitly prohibited hate speech and incitement to discrimination nor contained provisions to criminalize such acts and provide appropriate remedies to victims, he asked why the State party had yet to adopt comprehensive legislation to outlaw such discrimination and establish appropriate policies and penalties. He would also appreciate information on the impact of the Act on the incidence of hate speech, as well as data on the number of cases of hate speech and hate crime that had

been reported, investigated and prosecuted, including the number of convictions obtained and the remedies provided to victims.

21. Regarding the death penalty, he found it regrettable that the State party had yet to act upon the serious concerns that had repeatedly been raised by the Committee. He was particularly concerned about reports that the State party had carried out executions even though requests for retrial were pending, that prisoners on death row continued to be subjected to prolonged periods of solitary confinement and treatment that appeared to be in violation of articles 7 and 10 of the Covenant, and that no independent mechanism had been established to monitor the mental health of persons facing the death penalty. He therefore wished to know what measures the State party intended to take to give due consideration to abolishing the death penalty and, in the interim, to reduce the number of crimes for which the death penalty could be imposed; to consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty; to ensure that the death row regime did not amount to cruel, inhuman or degrading treatment or punishment, including by strictly limiting the use of solitary confinement; to establish a mandatory and effective system for the review of capital cases, ensuring that requests for retrial or pardon had a suspensive effect; and to set up an independent mechanism to monitor the mental health of prisoners on death row.

22. **Mr. Gómez Martínez**, referring to paragraphs 36 and 37 of the periodic report, said that he would welcome information and disaggregated data on the results of the efforts of the Ministry of Health, Labour and Welfare to raise awareness among business owners of non-discrimination and the equal treatment of sexual minorities, including lesbian, gay, bisexual, transgender and intersex persons, and the efforts of the Ministry of Education, Culture, Sports, Science and Technology to establish a support system in schools for students who belonged to sexual minorities. In a similar vein, he would be interested to learn about the impact of the awareness-raising campaign aimed at eliminating bias and discrimination based on sexual orientation or gender identity that had been conducted by the Ministry of Justice.

23. He wished to know whether the State party had any plans to amend the Act on Special Cases in Handling Gender for Persons with Gender Identity Disorder in order to remove the discriminatory provisions pursuant to which transgender persons were forced to undergo invasive and unnecessary medical procedures, including sterilization. With reference to paragraph 39 of the State party's report, concerning Ministry of Justice investigations into human rights violations, he wondered whether the delegation could provide data on the number of cases that had been investigated over the past three years, including information on the outcomes and details of the measures that had been adopted.

24. In the light of the State party's recognition that suicide was a problem in Japan, he would like to know whether the State party had considered compiling disaggregated data, including on the number of lesbian, gay, bisexual, transgender and intersex persons who had committed suicide, since it could prove useful for the implementation of special or preventive measures to address suicides triggered by discrimination. He would also welcome updated information on the progress made towards official recognition of same-sex unions and on actions taken to ensure that transgender prisoners were not mistreated in detention facilities.

25. Regarding the right to a fair trial, he would be interested in learning more about how the State party categorized the 277 offences defined under the Act on Punishment of Organized Crime and Control of the Proceeds of Crime as offences related to terrorism or organized crime. It would also be helpful if the State party could comment on concerns that the Act might unduly restrict the freedoms of expression, assembly and association and lead to violations of the rights to liberty and security and a fair trial, and provide information on the number of convictions obtained in the State party for such offences, including, in particular, the number based primarily on confessions. Regarding criminal procedures, he wondered whether disclosure of the list of evidence kept by the prosecutor occurred only at the request of the defence or was mandatory in all criminal cases; whether the recording of interviews with accused persons and witnesses meant that those persons did not need to be questioned in court; whether the impact of the amended Code of Criminal Procedure, which had entered into force in 2019, had been evaluated; and, if so, what the outcome had been. Lastly, noting that paragraph 92 of the periodic report stated that juveniles could be assigned a lawyer by the family courts in serious cases, he asked whether that meant that juveniles

might be left without legal representation in criminal proceedings involving less serious offences.

26. **Mr. Muhumuza**, while commending the State party's efforts to raise awareness of violence against women, including domestic violence, said that the Committee was concerned about the gaps that remained. It had received reports of a persistently high number of domestic violence cases, especially among migrant women, and had noted with concern the case of a woman of Sri Lankan origin who had reportedly sought police protection from her allegedly abusive partner but had instead been arrested and sent to an immigration facility, where she had later died. He wished to know what measures had been put in place to protect migrant and minority women victims of domestic violence; what action had been taken to raise awareness among immigration officials of domestic violence and the treatment of victims; and whether there were any plans to explicitly criminalize marital rape. He would welcome information and statistical data on the results of a survey on violence between men and women conducted in 2017, and on the measures taken to combat domestic violence and provide redress to victims. Information on the steps that had been taken to ensure that cases of domestic violence were thoroughly investigated by the authorities and that perpetrators were held accountable would be appreciated.

27. It would be helpful to know what measures were in place to ensure that women of differing backgrounds and status had equal access to social welfare and whether the State party might reconsider its decision not to revise the age of sexual consent, which was currently 13 years, in order to ensure consistency between the provisions of the Child Welfare Act and the Criminal Code. He would also be interested in hearing the delegation's comments on reports alleging abuse of women victims of sexual violence by the police.

28. The Committee had received reports of the forced sterilization of persons with disabilities under the Eugenic Protection Act. He would be grateful for information on the measures that had been taken by the State party to bring the perpetrators of such acts to justice and to provide full reparation to victims, including data on convictions and sentences handed down and details of any compensatory payments made and rehabilitation services provided to victims.

29. Lastly, he wished to know what action had been taken to ensure that the involuntary hospitalization of persons with mental disabilities was imposed only as a measure of last resort and that adequate safeguards were in place; what had been done to ensure an effective and independent monitoring and reporting system for mental health institutions; and what role the Psychiatric Review Board played in preventing the abuse of persons with disabilities.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

30. **Mr. Imafuku** (Japan) said that the Committee's concluding observations were made publicly available on the website of the Ministry of Foreign Affairs, along with the lists of issues and the country's periodic and follow-up reports. The concluding observations were scrutinized by government ministries, dialogues were held with civil society organizations and public awareness-raising activities were conducted with a view to responding to the Committee's recommendations.

31. His Government was continuing to assess the likely impact of accession to the Optional Protocol to the Covenant providing for an individual communication procedure on the country's judicial system and legislative policy. For instance, it was considering how to respond in the event that the views of the Committee differed from the binding decisions issued by the national courts or required legislative amendments. In accordance with the procedure for amending the Constitution, the proposal to delete article 97, which had been made by the Liberal Democratic Party, would have to be presented in a bill to the National Diet, the parliament of Japan, where it would need to win support from two thirds of members before being submitted to a public referendum. As things stood, the proposal had only been made at party level; no bill had been submitted.

32. **A representative of Japan** said that the lack of cases in which lower-level courts had referred explicitly to the provisions of the Covenant was explained by the fact that the content of international human rights treaties to which Japan was a party was transposed into national laws, meaning that the courts generally referred to those laws.

33. **A representative of Japan** said that the Supreme Court had ruled that, in the Civil Code, the term corresponding to “children born out of wedlock” was intended to refer to children born to parents who were not in a legal marriage; thus, its use did not constitute discriminatory treatment. That said, the Ministry of Justice was aware of arguments that the use of the term should be reviewed and that the historical background, including how the term had been used in Japanese society, should be taken into account. The Government was therefore giving further consideration to the issue.

34. **A representative of Japan** said that lawyers, judges and prosecutors had the same basic training. They began learning about international human rights treaties as trainees and continued participating in human rights training programmes throughout their careers. The specific topics covered varied from programme to programme and course to course.

35. **A representative of Japan** said that the Child Welfare Act had been amended to introduce a provision requiring the authorities to have a court order if they wished to remove a child from his or her parents. The provision would enter into force three years after it had been adopted. Only as a last resort, and only when it was in their interest, were children taken from their parents. Although the funds set aside for the country’s child guidance centres, which were responsible for the care of children removed from their families, were determined in part on the basis of the number of children in their care, that method of drawing up the centres’ budgets simply ensured that they had the resources needed to provide services to the children in their care. It had never been an economic incentive to remove children from their parents’ care.

36. **A representative of Japan** said that the establishment of a national human rights institution had been delayed because establishing such an institution required discussion on a wide range of issues.

37. **A representative of Japan** said that, under a 2016 amendment to the Civil Code, the time period for which women were barred from remarrying after a divorce had been reduced from six months to 100 days. The Legislative Council was preparing a bill that would eliminate that waiting period altogether. The original purpose of the waiting period had been to avoid overlapping presumptions of paternity. In 2022, however, the Legislative Council had concluded that a child born to a woman who had divorced and remarried should be presumed to be her new husband’s child. The bill would be submitted to the National Diet as soon as possible.

38. The Supreme Court had twice found, once in 2015 and again in 2021, that the provision of the Civil Code under which a husband and wife were required to have the same surname – either the man’s or the woman’s – was not unconstitutional. The Ministry of Justice was encouraging in-depth discussion of the issue of spouses’ surnames and was following the discussion closely. In March 2022, two of the five Supreme Court justices hearing an appeal had dissented from the petty bench’s majority opinion, stating that the laws requiring a married man or woman to change his or her surname were in violation of the Constitution. Neither of the dissenting justices, however, had stated that those laws were incompatible with the equality of the sexes.

39. **A representative of Japan** said that advocacy of a discriminatory ideology that compromised the reputation of individuals or groups was punishable in accordance with the Criminal Code, including under articles relating to defamation. Since the right to freedom of expression was enshrined in the Constitution, the utmost caution had to be exercised when prosecuting anyone for the expression of a discriminatory ideology. Human rights groups had organized numerous awareness-raising activities relating to sexual minorities, which involved the country’s print and broadcast media, with a view to enhancing the Japanese people’s understanding of the rights of such minorities.

40. **A representative of Japan** said that prison inmates on death row could not be notified well in advance of the date on which they were to be executed, as being given advance notice would be psychologically traumatic. They thus had to be notified of their execution the day before the scheduled execution date. Although such inmates were held in single-occupancy cells around the clock, they were entitled to visits from prison officials, civil society volunteers and religious advisers.

41. **A representative of Japan** said that a death row inmate's request for a retrial did not, by law, lead to the suspension of the execution; the sentence, however, was not executed automatically. The Minister of Justice first had to consider whether there were grounds for a retrial or a stay of execution. If a person sentenced to death had a mental or intellectual disability, for example, the execution would be suspended.

42. **A representative of Japan** said that the health authorities were of the view that high rates of thyroid cancer in children were not caused by exposure to radiation. Drawing on funds supplied by the national Government, Fukushima Prefecture was conducting a survey designed to shed light on the degree to which respondents had been exposed to radiation and their current state of health. Medical examinations, personal dosimeters and other equipment had been offered to the people of Fukushima to help to ensure that they were protected from the effects of radiation exposure.

43. **A representative of Japan** said that a wide range of nationally funded support services was available to residents of Fukushima Prefecture, children and pregnant women in particular. According to a study conducted in 2012, one year after the Fukushima nuclear disaster, unhealthy diets, smoking, obesity and other lifestyle factors were greater contributors to cancer rates than radiation exposure. Decontamination efforts, including land reclamation and food safety measures, were being pursued with a view to ensuring that, in the long term, the people of the country were exposed to an average radiation dose of less than one millisievert a year.

44. **A representative of Japan** said that ensuring respect for the human rights of foreign nationals was a priority. Awareness-raising activities designed to foster respect had been conducted nationwide and tens of thousands of posters and leaflets had been printed. One poster, which had been displayed in train stations and other public transport facilities, had been designed specifically to combat hate speech. In 2021, the Ministry of Justice had tweeted 25 times in support of efforts to eliminate hate speech. It had also created Internet banner advertisements, which had been viewed by large numbers of Japanese people. A banner in support of eliminating hate speech had also been displayed at football matches in coordination with a professional football association. Additionally, the Ministry's human rights agencies provided multilingual consultation services online, by telephone and in person to victims of human rights abuses, including foreign nationals, and advised the private sector on combating hate speech online. If online posts were deemed unlawful, the Ministry asked Internet service providers to delete them. In dealing with hate speech online, service providers followed guidelines developed by industry associations.

45. The Hate Speech Elimination Act did not establish criminal penalties for hate speech. Awareness-raising, including through the activities she had mentioned earlier, was preferred, and as a result the people of Japan were becoming increasingly accepting of diversity in all its forms. There had been 59 instances of hate speech considered to be human rights violations in 2021.

46. **A representative of Japan** said that the police also engaged in efforts to combat unlawful hate speech. In 2021, around 20 demonstrations organized by right-wing groups had come under criticism for the extreme language and behaviour observed. The groups had sometimes clashed with rival groups, and five participants in the demonstrations had been arrested.

47. **A representative of Japan** said that violence against women, including domestic violence, was not tolerated. If a man raped his wife, he could be prosecuted.

48. **A representative of Japan** said that the police made arrests in the event of spousal violence. The victims were afforded protection immediately, regardless of their ethnic background. Although the number of criminal convictions for spousal violence had increased since 2004, it had trended downward over the previous two years. Investigating officers had been undergoing training to sensitize them to the psychological trauma endured by the victims of sexual offences.

49. **A representative of Japan** said that efforts were being made to ensure that law enforcement and other officials were well prepared to help victims of domestic violence.

Officials were expected to comply with the relevant guidelines, which had been revised in consultation with experts on domestic violence.

50. **A representative of Japan** said that victims of domestic violence who were migrants were provided with beds in shelters and might be granted special permission to stay in the country. Middle-ranking immigration officers read relevant case studies and attended lectures delivered by external experts who spoke about domestic violence as it related in particular to migrant women.

51. **A representative of Japan**, referring the Committee to paragraph 36 of the periodic report, which addressed the issue of discrimination against lesbian, gay, bisexual, transgender and intersex persons, said that, in 2020, the Ministry of Health, Labour and Welfare had researched and produced a report on initiatives undertaken by companies on sexual orientation and gender identity.

52. **A representative of Japan** said that measures were in place to promote human rights education in schools and take care of lesbian, gay, bisexual, transgender and intersex students and those experiencing gender dysphoria. Teachers received training to raise awareness of gender identity issues and school counsellors and social workers had been recruited to strengthen counselling services.

53. **A representative of Japan** said that employers were required by law to take steps to prevent sexual harassment in the workplace and that the law on measures to ensure equal opportunity and treatment between men and women in employment established that employees should not be punished for filing complaints of such behaviour. The Government had been raising awareness of the issue through prefectural labour offices and labour counselling offices.

54. **A representative of Japan** said that, in 2019, the Supreme Court had ruled that the requirement for transgender persons to undergo sex reassignment surgery in order to have their gender changed on official documents, which was established in the Act on Special Cases in Handling Gender for Persons with Gender Identity Disorder, was constitutional. The Government therefore believed that enforcement of the provision was compatible with the Covenant. However, it was paying close attention to the national discourse on gender identity and the issue of same-sex marriage, which had been the subject of contrasting verdicts from district courts in recent years. While Sapporo District Court had held that the failure to grant same-sex couples the legal benefits of marriage violated the constitutional promise of equality before the law, Osaka District Court had found that the ban on same-sex marriage did not violate the Constitution. The Supreme Court had yet to issue a ruling on the matter.

55. **A representative of Japan** said that, as at 31 December 2021, there were approximately 30 inmates in Japanese prisons with gender dysphoria. Inmates were offered haircuts in keeping with their self-identified gender and were assisted by officers of that gender when bathing and undergoing physical health checks, among other activities.

56. **A representative of Japan** said that, under article 3 of the Employment Security Act, no person should be discriminated against in job placement or vocational guidance on the basis of their ethnic origin or nationality. The Labour Standards Bureau continued to make efforts to identify and rectify failures to ensure appropriate working conditions for foreign employees. The Government provided guidance to employers on how to ensure respect for the human rights of Ainu and other ethnic minority job applicants and fair recruitment and selection procedures.

57. **A representative of Japan** said that, as at August 2022, roughly 1,000 individuals had been recognized as eligible for lump-sum compensation for having been subjected to compulsory sterilization pursuant to the former Eugenic Protection Act. Efforts were ongoing across various media channels to raise public awareness of the right to compensation in such cases.

58. **A representative of Japan** said that involuntary hospitalization could be authorized for patients deemed to present a danger to themselves or others. The procedures in such cases were very strict. A patient could be committed only on the recommendation of at least two highly qualified doctors and with the approval of the prefectural governor. The managers of psychiatric hospitals had been instructed to minimize periods of hospitalization and to report

regularly to the relevant prefectural governor on the condition of persons hospitalized involuntarily. Once a patient's symptoms disappeared, or if the Psychiatric Review Board determined that his or her hospitalization was no longer necessary, the patient had to be discharged immediately. The Board conducted independent reviews and issued recommendations concerning treatment options.

59. The Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers did not cover medical institutions. However, the managers of such institutions had been informed of the need to provide appropriate training to staff and counselling services to patients. Efforts were under way to amend the Act to strengthen preventive measures.

60. **A representative of Japan** said that the World Assembly for Women had been created by former Prime Minister Shinzo Abe in 2014 to promote gender equality and women's empowerment. The Sixth Assembly would take place on 3 December 2022, after two years of being unable to meet face to face on account of the coronavirus disease (COVID-19) pandemic.

61. **A representative of Japan** said that stringent procedures governed the application of the death penalty; Japan had a three-tiered judicial system and legal remedies including a motion for retrial and an extraordinary appeal to the Supreme Court were available against final and binding judgments. The Ministry of Justice reviewed all convictions to determine whether there were grounds for retrial or pardon. The Government did not believe that additional remedies or a mandatory system of review were necessary. Capital punishment was imposed only for a small number of particularly heinous crimes, including aggravated murder. In terms of abolishing the death penalty, the Government was guided by public opinion, which remained largely in favour of its continued use. Imposing a moratorium would also go against public opinion and confound the expectations of current inmates.

62. Under the revised Code of Criminal Procedure, prosecutors were required to disclose lists of evidence upon request. A committee of experts, including criminal researchers, judges, lawyers and prosecutors, had been set up to evaluate the Code's implementation. Amendments introduced to the Criminal Code in 2017 had included the incorporation of two new offences: indecency by a person with or towards a minor under his or her care and sexual intercourse by a person with a minor in his or her care. Perpetrators would be punished regardless of whether their victims had given consent. The Legislative Council was currently debating whether to raise the age of consent.

63. **Mr. Imafuku** (Japan) said that additional replies would be provided in writing in due course.

64. **Mr. Santos Pais** said that he would appreciate details of the procedure followed when foreign nationals, in particular women, were reported missing. He wished to know whether the police investigated such disappearances *ex officio* and whether there was any intervention by the Public Prosecutor's Office.

65. **Ms. Sancin** said that she would be interested to know whether domestic courts and other authorities took into account the Committee's general comments and whether training on the Committee's authoritative interpretations of the Covenant was provided to judges, prosecutors and the general public. The State party might also indicate whether it intended to monitor the operation of child guidance centres and whether effective remedies, including adequate compensation, were available to alleged victims of violations of the Covenant in such centres. In that connection, she noted that she had heard no reply to her question on reports of parental child abductions in the State party. Regarding accession to the Optional Protocol to the Covenant, she recalled that, in examining individual complaints, the Committee sought merely to hold the State party accountable for its existing obligations under the Covenant, which domestic courts were also expected to do.

66. **Mr. Gómez Martínez** said that he would be grateful for information on the number of child custody rulings that had been handed down in favour of parents, on the one hand, and child guidance centres, on the other. It would be helpful to know whether steps were taken to monitor the implementation of the Convention on the Civil Aspects of International Child Abduction by domestic courts and the number of cases in which children had been

returned to their parents in compliance with that Convention. He would also appreciate details of the discussions held to date by the committee of experts established to evaluate the implementation of the Code of Criminal Procedure, in particular its provisions regarding the recording of interrogations. Lastly, he asked whether the special treatment reserved for transgender prisoners included hormone therapy.

67. **Ms. Bassim** said that she had not received a satisfactory response to her question about efforts to establish an independent national human rights institution. She wished to know what matters remained under discussion, particularly as there was currently no other body in the State party fulfilling that role. Information, including statistics, on the number of women in decision-making positions in local government, the judiciary, academia and the diplomatic service, and on the percentage of those women who belonged to ethnic minorities, would also be welcome.

68. **Mr. Yigezu** asked whether the State party would consider reducing the number of criminal offences that carried the death penalty, since most of them did not necessarily involve intentional homicide, and how it struck a balance between protecting freedom of expression and preventing incitement to discrimination.

69. **Mr. Muhumuza** said that he wished to hear a more detailed response to his questions concerning the forced sterilization of persons with disabilities under the former Eugenic Protection Act. In particular, he would like to receive disaggregated data on the punishments imposed on perpetrators and the compensation paid to victims.

The meeting rose at 6.10 p.m.