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I. General information

A. Demographic, economic, social, and cultural characteristics of the State

1. Geographical description

1. Japan is a nation consisting of numerous islands lying off the eastern seaboard of the Asian continent. The islands form a crescent-shaped archipelago stretching from northeast to southwest. Japan has a northern boundary with Russia across the Sea of Japan and the Sea of Okhotsk and a southern boundary with the Philippines and the islands of Micronesia with the Pacific Sea in between, and to the west of Japan, the Korean Peninsula and China lie across the Sea of Japan and the East China Sea.

2. As of October 1, 2011, Japan's total land area is 377,955 square kilometers, of which 96% are occupied by the four main islands, Honshu (227,975 square kilometers), Hokkaido (77,984 square kilometers), Kyushu (36,752 square kilometers), and Shikoku (18,301 square kilometers).¹

2. Demographic characteristics

(a) General

3. As of October 1, 2010, Japan's total population was 128,057,352, of which women numbered 65,729,615, accounting for 51%, while men numbered 62,327,737, accounting for 49%.

4. Japan's population density measured 343.4 persons per square kilometer, which was up 0.2% compared to the previous census (in 2005).

5. Population aged 15 and younger was 18,022,210, of which women numbered 8,794,746 and men 9,227,464. Meanwhile, population aged 65 and older was 29,245,685 of which women numbered 16,775,273 and men 12,470,412. The proportion of the population aged 15 and younger to the total population was 14%, while that of the population aged 65 and older was 23%.

6. In Japan, local governments are composed of 47 prefectures and 1,734 municipalities (of which the number of cities² is 787 and that of towns and villages³ is 947). A large city having a population greater than 500,000 and has been designated as such in accordance with the Local Autonomy Act is called an "ordinance-designated city." At present, there are 19 ordinance-designated cities and each of them has an administrative jurisdiction similar to that of its encompassing prefecture. Population in urban areas⁴

¹ Source: Statistical reports on the land area by prefectures and municipalities in Japan, 2011 by the Geospatial Information Authority of Japan (GSI)

² Tokyo special wards are considered one city. A "special ward" is a special local government having a different purpose, structure, and function from other municipalities, from the viewpoint of ensuring the unity of a metropolitan area. Currently, the 23 wards in Tokyo are designated as special wards.

³ Include Shikotan village, Tomari village, Ruyobetsu village, Rubetsu village, Shana village, and Shibetoro village in the area of Nemuro Subprefectural Bureau (Former Nemuro Branch Office).

⁴ "Urban areas" refers to the total of all cities in Japan as of October 1, 2010 (including Tokyo special wards).

amounted to 116,156,631 and that of rural areas⁵ was 11,900,721. About 91% of the total population lives in urban areas.

(b) Number of registered foreigners

7. The number of registered foreigners as of the end of 2010 decreased by 51,970 to 2,134,151 from the previous year. By nationality, Chinese ranked first with 32.2% or 687,156, followed by 565,989 South or North Koreans (accounting for 26.5%), 230,552 Brazilians (10.8%), 210,181 Filipino (9.8%), 54,636 Peruvians (2.6%), and 50,667 Americans (2.4%).

8. Change in the number of registered foreigners during last 5 years is shown below.

	<i>As of end of 2006</i>	<i>As of end of 2007</i>	<i>As of end of 2008</i>	<i>As of end of 2009</i>	<i>As of end of 2010</i>
Number of Registered Foreigners (persons)	2,084,919	2,152,973	2,217,426	2,186,121	2,134,151

(c) Number of followers of religion in Japan

9. As of the end of 2009, the number of followers of religion in Japan was as follows: 106,498,381 Shintoists, 89,674,535 Buddhists, 2,121,956 Christians, and 9,010,048 others.⁶

(d) Statistics on maternal language and people

10. The official language of Japan is Japanese.

11. The Ainu, who are an indigenous people living around the northern part of the Japanese Archipelago, especially in Hokkaido, have their original language. The Government encourages the promotion of Ainu culture, including their language.

12. The number of Ainu population and those who can speak the Ainu language is unknown; however, according to the 2006 survey by the Hokkaido prefectural government, 23,782 Ainu people live in Hokkaido.

3. Social and cultural characteristics

(a) Birth and death statistics

13. Life expectancy of Japanese women was 86.39 years old, while that of men was 79.64 years old in 2010.

14. Japan's total fertility rate in 2010 was 1.39. The total fertility rate, which is calculated using the female age-specific birth rates between 15 and 49, refers to the average number of children each woman will have in her lifetime under the assumption that a woman will experience an age-specific birth rate at her given age through her lifetime.

15. In 2010, Japan's mortality rate per 1,000 population was 9.5. Infant mortality per 1,000 live births was 2.3 and maternal mortality per 100,000 total births was 4.1.

⁵ "Rural areas" refers to the total of all towns and villages in Japan as of October 1, 2010 (excluding Shikotan village, Tomari village, Ruyobetsu village, Rubetsu village, Shana village and Shibetoro village in the area of Nemuro Subprefectural Bureau, which are the islands defined in Article 1 of the Regulation for the Execution of the Population Census).

⁶ The sum of the followers exceeds the total population of Japan because there is the possibility that some individuals are counted by two to more religious organizations.

16. The statistics relating to paragraphs 0–0 above for the 5 years from 2006–2010 are as follows:⁷

Year	<u>Life expectancy at birth</u>		Live birth rate (per 1,000 population)	Total fertility rate	Death rate (per 1,000 population)	Infant mortality rate (per 1,000 live births)	Maternal mortality rate (per 100,000 total births)
	Male	Female					
2006	79.00	85.81	8.7	1.32	8.6	2.6	4.8
2007	79.19	85.99	8.6	1.34	8.8	2.6	3.1
2008	79.29	86.05	8.7	1.37	9.1	2.6	3.5
2009	79.59	86.44	8.5	1.37	9.1	2.4	4.8
2010	79.64	86.39	8.5	1.39	9.5	2.3	4.1

17. The legal abortion rate (the implementation rate of legal abortion) for the fiscal year (FY) 2010⁸ was 7.9⁹ per 1,000 women aged 15 or over and below 50. Statistical data for the 5 years from 2006–2010 are shown below:¹⁰

Year	2006	2007	2008	2009	2010
Abortion rate	9.9	9.3	8.8	8.3	7.9

18. *Top 10 Causes of Death.* Japan's 10 leading causes of death in 2010 were, in order from the top, malignant neoplasms (death rate: 279.7), heart diseases (149.8), cerebrovascular diseases (97.7), pneumonia (94.1), senility (35.9), accidents (32.2), suicide (23.4), renal failure (18.8), chronic obstructive pulmonary diseases (COPD) (12.9), and diseases of liver (12.8). The statistics of the 5 years from 2006–2010 are as follows:

⁷ Source: Vital Statistics, Ministry of Health, Labour and Welfare

⁸ Due to the Great East Japan Earthquake, data for the municipalities covered by Sousou Health and Welfare Office in Fukushima Pref. are not included in the figures in FY2010.

⁹ The abortion rate is calculated by dividing the number of abortion cases for females aged 15 to 49 (excluding cases of females aged 50 or older while including cases of those aged 14 or younger and unidentifiable cases) by the total female population aged 15 to 49.

¹⁰ Source: Report on Public Health Administration and Services for FY2010, Ministry of Health, Labour and Welfare

<i>Year</i>		2006	2007	2008	2009	2010
1st	Cause of death	Malignant neoplasms	Malignant neoplasms	Malignant neoplasms	Malignant neoplasms	Malignant neoplasms
	Death rate ¹¹	261.0	266.9	272.3	273.5	279.7
2nd	Cause of death	Heart diseases	Heart diseases	Heart diseases	Heart diseases	Heart diseases
	Death rate	137.2	139.2	144.4	143.7	149.8
3rd	Cause of death	Cerebrovascular diseases	Cerebrovascular diseases	Cerebrovascular diseases	Cerebrovascular diseases	Cerebrovascular diseases
	Death rate	101.7	100.8	100.9	97.2	97.7
4th	Cause of death	Pneumonia	Pneumonia	Pneumonia	Pneumonia	Pneumonia
	Death rate	85.0	87.4	91.6	89.0	94.1
5th	Cause of death	Accidents	Accidents	Accidents	Senility	Senility
	Death rate	30.3	30.1	30.3	30.7	35.9
6th	Cause of death	Suicide	Suicide	Senility	Accidents	Accidents
	Death rate	23.7	24.4	28.6	30.0	32.2
7th	Cause of death	Senility	Senility	Suicide	Suicide	Suicide
	Death rate	22.0	24.4	24.0	24.4	23.4
8th	Cause of death	Renal failure	Renal failure	Renal failure	Renal failure	Renal failure
	Death rate	16.8	17.2	17.9	18.1	18.8
9th	Cause of death	Diseases of liver	Diseases of liver	Diseases of liver	Diseases of liver	COPD
	Death rate	12.9	12.8	12.9	12.7	12.9
10th	Cause of death	COPD	COPD	COPD	COPD	Diseases of liver
	Death rate	11.4	11.8	12.3	12.2	12.8

¹¹ Death rate: per 100,000 population

(b) Percentage of persons infected with HIV, AIDS, or other major infectious diseases and infection rate of major infectious or non-infectious diseases

19. HIV-infected persons and AIDS patients must be reported to the State through the National Epidemiological Surveillance of Infectious Diseases based on the Act on Prevention of Infectious Diseases and Medical Treatment for Patients with Infections Diseases (Act No. 114 of 1998). In 2010, the number of newly reported HIV-infected persons was 1,075 and that of newly reported AIDS patients was 469.

20. The aggregate number of newly reported HIV-infected persons as of the end of 2010 was 12,648 and that of AIDS patients was 5,799.

21. Recent trends are that 1) many infected persons are in their twenties or thirties; 2) infections are often caused by homosexual contact; and 3) infection is spreading not only in big cities but also in local cities. Statistical data for the last 5-year period available are shown below.

<i>FY</i>	2006	2007	2008	2009	2010
Number of reported AIDS patients	406	418	431	431	469
Number of reported HIV-infected persons	952	1,082	1,126	1,021	1,075
Total	1,358	1,500	1,557	1,452	1,544

<i>FY</i>	2006	2007	2008	2009	2010
Number of HIV antibody tests conducted at public health care centers, etc.	116,550	153,816	177,156	150,252	130,930
Number of consultations sought from public health care centers, etc.	173,651	214,347	230,091	193,271	164,264

22. According to monitoring of registered tubercular (TB) patients reported through public health care centers across the country, the number of newly registered TB patients in 2010 was 23,261. While the patient number has tended to decrease in recent years, it is necessary to continue to take sufficient action since more than 20,000 people are still newly registered with TB in Japan. Statistical data for the last 5-year period available are shown below.

<i>FY</i>	2006	2007	2008	2009	2010
Total of newly registered patients	26,384	25,311	24,760	24,170	23,261

23. Enterohemorrhagic *Escherichia coli* infection also has to be reported to the State through the National Epidemiological Surveillance of Infectious Diseases based on the Law Concerning the Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases (Act No. 114 of 1998). In 2010, 4,135 cases in total (of which 2,719

cases were for symptomatic patients and 1,416 cases for non-symptomatic disease carriers) were reported. Like every year, the epidemic of the disease peaked in summer. Statistical data for the last 5-year period available are shown below.¹²

<i>FY</i>	2006	2007	2008	2009	2010
Reported cases (persons)	3,922	4,617	4,329	3,879	4,135

(c) **Statistics on education**

(i) *School attendance rate and dropout rate in elementary and secondary education*

24. With regard to the school attendance rate for compulsory education in FY2011, 99.95% of Japanese elementary school students and 99.96% of junior high school students attended school. The rate of advancement to high school, etc. was 98.5% for female students, 98.0% for male students, and 98.2% in total. Statistical data for the last 5-year period available are shown below.

<i>FY</i>	<i>School attendance rate for compulsory education (%)</i> ¹³		<i>Rate of advancement to high school, etc. (%)</i> ¹⁴		
	Elementary school students	Junior high school students	Total	Male students	Female students
2006	99.97	99.98	97.7	97.4	98.0
2007	99.97	99.98	97.7	97.4	98.0
2008	99.96	99.97	97.8	97.6	98.1
2009	99.96	99.97	97.9	97.7	98.2
2010	99.96	99.97	98.0	97.8	98.3

25. In 2010, 55,415 students dropped out high school, of which 43 students withdrew from national high schools, 38,372 students from public high schools, and 17,000 students from private high schools. The dropout rate (rate of students who dropped out to total enrollment) was 1.6% overall, 0.4% for national schools, 1.6% for public schools, and 1.7% for private schools. Statistical data for the last 5-year period available are as follows:

<i>FY</i>	2006	2007	2008	2009	2010
Number of dropout students (persons)	77,027	72,854	66,243	56,947	55,415
National	44	45	52	51	43

¹² "Reported cases" include both symptomatic patients and non-symptomatic disease carriers. Source: National Epidemiological Surveillance of Infectious Diseases (number of reported cases as of April 27, 2011)

¹³ School attendance rate for compulsory education: Percentage of the number of school-attending students excluding foreigners to the compulsory education age population (which is the total of the number of school-attending students excluding foreigners + those who are allowed to defer or be exempted from attending school + those whose whereabouts have not been identified for more than 1 year).

¹⁴ Rate of advancement to high school, etc.: Among those who graduated from junior high school or completed the junior-high level course at schools for secondary education, percentage occupied by those who have advanced to regular or special courses of high school, etc. or to technical college (including those who have advanced to high schools or have obtained a job and excluding those who are preparing for entrance exams for high schools).

<i>FY</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Public	53,251	50,529	45,742	39,412	38,372
Private	23,732	22,280	20,449	17,484	17,000
Dropout rate (%)	2.2	2.1	2.0	1.7	1.6
National	0.5	0.5	0.5	0.5	0.4
Public	2.2	2.1	1.9	1.7	1.6
Private	2.3	2.2	2.0	1.8	1.7

(ii) *Number of students per teacher in public schools*

26. As of May 1, 2011, the number of students per teacher in Japanese public schools was 17.4 for elementary schools, 14.6 for junior high schools, 13.7 for secondary schools, 1.7 for special support schools, and 13.9 for high schools.

	<i>Elementary school</i>	<i>Junior high school</i>	<i>Secondary school</i>	<i>Special support school</i>	<i>High school</i>
Number of students	6,763,713	3,287,437	16,115	122,269	2,422,095
Number of teachers	387,925	225,341	1,180	71,126	174,185
Number of students per teacher	17.4	14.6	13.7	1.7	13.9

(iii) *Literacy rate*

27. In recent years, no relevant official survey has been carried out in Japan. For reference, please see the rate of advancement to high school, etc. in paragraph 0 above.

(d) **Other statistics**

28. In 2010, the average number of household members was 2.59. Households consisting of a single parent with unmarried children accounted for 6.5%, or 3.18 million households, while mother-child households made up 1.5%, or 708,000 households.¹⁵

<i>Year</i>	<i>Total</i>	<i>Households consisting of a single parent</i>				<i>Average number of household members</i>
		<i>with unmarried children</i>		<i>Mother-child households</i>		
		<i>Estimated number (in thousand households)</i>	<i>Percentage distribution (%)</i>	<i>Estimated number (in thousand households)</i>	<i>Percentage distribution (%)</i>	
2004	46,323	2,774	6.0	627	1.4	2.72
2007	48,023	3,006	6.3	717	1.5	2.63
2008	47,957	3,202	6.7	701	1.5	2.63
2009	48,013	3,230	6.7	752	1.6	2.62
2010	48,638	3,180	6.5	708	1.5	2.59

¹⁵ Source: Comprehensive Survey of Living Conditions, Ministry of Health, Labour and Welfare

29. As for the average percentage of consumption expenditures per household in 2011, food accounted for 23.6%, housing 7.9%, medical care 4.4%, education 3.3%, and others 60.8%. Statistical data for the last 5-year period available are shown below.¹⁶

(Unit: %)

	2007	2008	2009	2010	2011
	Average	Average	Average	Average	Average
Consumption expenditures	100.0	100.0	100.0	100.0	100.0
Food	22.9	23.2	23.4	23.2	23.6
Housing	7.4	7.2	7.3	7.5	7.9
Medical care	4.2	4.1	4.3	4.2	4.4
Education	3.5	3.5	3.6	3.3	3.3
Others ¹⁷	62.0	62.0	61.5	61.7	60.8

30. Japan's relative poverty rate reached 16.0% in 2009 and that of children was 15.7%. Statistical data for the last 5-year period available are described below.¹⁸

(Unit: %)

Year	1997	2000	2003	2006	2009
Relative poverty rate	14.6	15.3	14.9	15.7	16.0
Child poverty rate	13.4	14.5	13.7	14.2	15.7
Working age households with children	12.2	13.1	12.5	12.2	14.6
One adult	63.1	58.2	58.7	54.3	50.8
Two or more adults	10.8	11.5	10.5	10.2	12.7

31. Due to an increase of aged households¹⁹, the Gini coefficient of initial income²⁰ becomes larger year by year; however, that of the redistributed income²¹ has remained around 0.38 since the 1999 survey.

¹⁶ Source: Family Income and Expenditure Survey, Statistics Bureau, Ministry of Internal Affairs and Communications

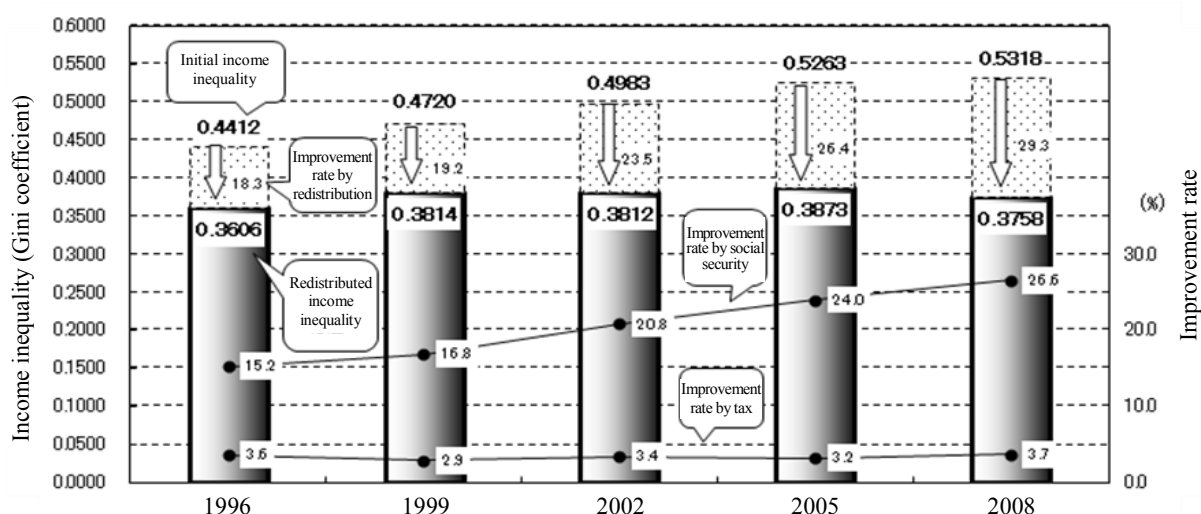
¹⁷ "Others" is comprised of "Fuel, light, & water charges," "Furniture & household utensils," "Clothing & footwear," "Transportation & communication," "Culture & recreation," and "Other consumption expenditures."

¹⁸ Source: Comprehensive Survey of Living Conditions, Ministry of Health, Labour and Welfare. The poverty rate is calculated based on OECD standards. "Adult" refers to those aged 18 or older, "children" refers to those aged 17 or younger, and "working age households" refers to households including householders aged 18 or older and younger than 65. Household members whose equivalent disposable income is unknown are excluded.

¹⁹ An aged household is a household only with persons aged 65 and over, or a household with persons aged 65 and over and unmarried persons aged less than 18.

²⁰ Initial income is the total amount of employees' income, business income, agricultural income, livestock income, property income, homework income, miscellaneous income, and private benefits (the total amount of allowances, corporate pensions, retirement pay, life insurance money, etc.).

²¹ Redistributed income is initial income minus taxes and social insurance premiums but plus social benefits.



Note: Performance in kind before 1999 includes medical care only. On or after 2002, it includes medical care, nursing care and children care.

4. Economic characteristics

(a) Statistics on employment

32. Japan's average labor force in 2010 was 65,900,000, which accounted for 59.6% of the total population aged 15 or older. Out of this, the female labor force was 27,680,000 or 48.5% of the total female population aged 15 or older, and the male labor force was 38,220,000, or 71.6% of the total male population aged 15 or older.

33. The average annual increase in the labor force (the increase rate of the labor force against the previous year) for 2010 was -0.4% in total, -0.1% for women, and -0.6% for men.

34. The average rate of employed persons to the population aged 15 or older in 2010 was 56.6%, of which women accounted for 46.3% and men accounted for 67.7%.

35. The annual average unemployment rate for 2010 was 5.1%. On a gender basis, the female unemployment rate was 4.6% while the male unemployment rate was 5.4%.

36. Statistical data for the last 5-year period available relating to paragraphs 0–0 above are as follows:²²

(Unit: 10,000 persons)

Year	Total of men and women				
	Labor force Total	Labor force Year on year change ²⁴	Labor force participation rate (%)	Employment rate (%)	Unemployment rate (%) ²³
2006	6,657	0.1	60.4	57.9	4.1

²² Source: Yearly Average Results of Labor Force Survey, Statistics Bureau, Ministry of Internal Affairs and Communications

²³ Unemployment rate = The number of unemployed person ÷ Labor force

²⁴ Year on year change rate of labor force = Year on year change of labor force ÷ Total labor force

<i>Total of men and women</i>					
2007	6,669	0.2	60.4	58.1	3.9
2008	6,650	-0.3	60.2	57.8	4.0
2009	6,617	-0.5	59.9	56.9	5.1
2010	6,590	-0.4	59.6	56.6	5.1

<i>Men</i>					
Year	Total	Labor force Year on year change	Labor force participation rate (%)	Employment rate (%)	Unemployment rate (%)
2006	3,898	-0.1	73.2	70.0	4.3
2007	3,906	0.2	73.1	70.3	3.9
2008	3,888	-0.5	72.8	69.8	4.1
2009	3,847	-1.1	72.0	68.2	5.3
2010	3,822	-0.6	71.6	67.7	5.4

<i>Women</i>					
Year	Total	Labor force Year on year change	Labor force participation rate (%)	Employment rate (%)	Unemployment rate (%)
2006	2,759	0.3	48.5	46.6	3.9
2007	2,763	0.1	48.5	46.6	3.7
2008	2,762	0.0	48.4	46.5	3.8
2009	2,771	0.3	48.5	46.2	4.8
2010	2,768	-0.1	48.5	46.3	4.6

37. The yearly average rates of the employees engaged in primary, secondary, and tertiary industries among total employed persons in 2010 were 4.0%, 24.8%, and 70.2%, respectively. When looked at by gender, the percentage distribution of male employed persons in primary, secondary, and tertiary industries was 4.1%, 32.3%, and 62.7% and that of female employed persons was 3.9%, 14.5%, and 80.6%, respectively.

38. Statistical data for the last 5-year period available are as follows:²⁵

(Unit: %)

<i>Percentage of total employed persons</i>									
Year	Total			Men			Women		
	Primary industries ²⁶	Secondary industries ²⁷	Tertiary industries ²⁸	Primary industries	Secondary industries	Tertiary industries	Primary industries	Secondary industries	Tertiary industries

²⁵ Source: Yearly Average Results of Labor Force Survey, Statistics Bureau, Ministry of Internal Affairs and Communications

²⁶ Primary industries: Agriculture, forestry and fisheries

²⁷ Secondary industries: Mining, stone quarrying, sand and gravel pits, construction and manufacturing

<i>Percentage of total employed persons</i>									
2006	4.3	27.0	67.7	4.2	34.0	60.7	4.3	17.2	77.5
2007	4.2	26.8	67.8	4.2	33.9	60.6	4.3	16.8	77.7
2008	4.2	26.4	68.3	4.2	33.6	61.0	4.2	16.2	78.4
2009	4.2	25.4	69.5	4.3	32.8	62.0	4.1	15.0	79.9
2010	4.0	24.8	70.2	4.1	32.3	62.7	3.9	14.5	80.6

39. The average rate of unionization (percentage of union members among all employees) in 2010 was 18.5%.

(b) Economic indicators

40. Japan's national income per capita for calendar year (CY) 2010 increased by 2.3% from the previous year to 2,715,000 yen (USD 31,016).

41. Japan's gross domestic product (GDP) for CY2010 increased by 2.3% from the previous year to 481,773.2 billion yen (USD 5,503.5 billion).

42. Japan's gross national income (GNI) for CY2010 increased by 2.1% from the previous year to 494,030.2 billion yen (USD 5,643.2 billion).

43. Statistical data relating to paragraphs 0–0 above for the last 5-year period available are shown below.²⁹

<i>• National Income per Capita</i>					<i>(Unit: thousand yen)</i>
CY2006	CY2007	CY2008	CY2009	CY2010	
2,936	2,986	2,866	2,654	2,715	
<i>• Gross Domestic Product (GDP) <Nominal></i>					<i>(Unit: billion yen)</i>
CY2006	CY2007	CY2008	CY2009	CY2010	
506,687.0	512,975.2	501,209.3	471,138.7	481,773.2	
<i>• Gross National Income (GNI) <Nominal></i>					<i>(Unit: billion yen)</i>
CY2006	CY2007	CY2008	CY2009	CY2010	
521,086.2	530,172.8	517,720.3	483,767.6	494,030.2	

44. The consumer price index (CPI) in 2011 dropped 0.3% on a year-to-year basis.

45. Statistical data for the last 5-year period available are as follows:³⁰

²⁸ Tertiary industries: Electricity, gas, heat supply, and water through public utilities (excluding those classified as other categories)

²⁹ Source: Annual Report of National Account for 2010, The Economic and Social Research Institute (ESRI), Cabinet Office

³⁰ Source: Consumer price index (of which base year is 2010, provided that the figures of “year to year rate” from 2007 through 2010 are calculated based on the published values whose base year is 2005.), Statistics Bureau, Ministry of Internal Affairs and Communications

Year	Index	Year to year change (%)
2007	100.7	0.0
2008	102.1	1.4
2009	100.7	-1.4
2010	100.0	-0.7
2011	99.7	-0.3

46. Japan's general government deficit (securities other than shares) in 2010 stood at 48,126.3 billion yen.

47. Statistical data for the last 5-year period available are shown below.³¹

	(Unit: billion yen)				
	FY2006	FY2007	FY2008	FY2009	FY2010
Change in debt	8,003.9	18,365.4	5,428.3	47,554.5	48,126.3
Outstanding debts	691,835.8	719,871.4	725,562.8	771,557.5	821,768.2

48. The amount of social security benefits³² in 2009 was 99,850.7 billion yen, making up 50.6% of total expenditures and 21.1% of GDP.

49. Statistical data for the last 5-year period available are as follows:

Year	Social security benefits (billion yen)	Ratio to total	
		government expenditures (%)	Ratio to GDP (%)
2005	87,782.7	47.8	17.4
2006	89,109.8	48.9	17.5
2007	91,430.5	49.6	17.8
2008	94,084.8	49.9	19.2
2009	99,850.7	50.6	21.1

50. Statistical data relating to social security-related expenditures³³ for the last 5-year period available are shown below.

Year	Social security-related expenditures	
	(billion yen)	Ratio to general account expenditures (%)
		Ratio to GDP (%)

³¹ Source: Annual Report of National Account for 2010, The Economic and Social Research Institute (ESRI), Cabinet Office

³² This was estimated by using the actual results of benefits paid under the domestic social security systems according to the social security standards determined by the ILO for the purpose of international comparison.

³³ This refers to, out of the Government's general account expenditures, the part relating to social security, which is roughly equivalent to the part covered by the National Treasury out of the amount of social security benefits in Footnote No. 32.

<i>Year</i>	<i>Social security- related expenditures (billion yen)</i>	<i>Ratio to general account expenditures (%)</i>	<i>Ratio to GDP (%)</i>
2008	22,561.74	26.6	4.6
2009	28,716.15	28.4	6.1
2010	28,248.92	29.6	5.9
2011	29,289.79	27.5	6.2
2012	26,390.13	29.2	5.5

51. Japan's ODA budget (excluding supplementary budget) in FY2011 was 572.7 billion yen.³⁴ The percentage of GNI spent on ODA was 0.18 % (2011 advance data).

B. Constitutional, political, and legal structure of State

1. Political system

52. Japan's political system is based on the so-called principle of independence of the three branches of government - legislative (the Diet), executive (the Cabinet), and judicial (the courts) and is a parliamentary democracy.

53. The Constitution of Japan declares that sovereign power resides with the people and stipulates that the Diet shall be the sole law-making organ of the State (Article 41), that executive power shall be vested in the Cabinet (Article 65), and that judicial power is vested in the courts (paragraph 1 of Article 76). It adopts a parliamentary cabinet system with respect to the relationship between the Diet and the Cabinet.

54. Local public entities shall have independent power from the central organizations, especially in terms of administrative power, based on the principle of the autonomy of entities and residents (Articles 92 to 95).

55. The Constitution of Japan has the provisions relating to the Diet in Chapter 4 (Articles 41 to 64), the Cabinet in Chapter 5 (Articles 65 to 75) and the Judiciary in Chapter 6 (Articles 76 to 82).

2. Legislative branch

(a) General

56. The Diet of Japan consists of the House of Representatives and the House of Councillors (Article 42), and both Houses consist of elected members, representative of all the people (paragraph 1 of Article 43).

57. The right to vote is granted equally to all men and women having Japanese nationality aged 20 or older. With regard to eligibility for election, all Japanese, whether male or female, aged 25 or older are able to stand for election for the House of Representatives, while every Japanese aged 30 or older is able to stand for election for the House of Councillors.

³⁴ Article 11 of the Public Finance Act stipulates that Japan's fiscal year runs from April 1 until March 31 of the following year.

58. Under the Constitution of Japan, the term of office of members of the House of Representatives is four years (however, the term is terminated before the full term expires in the case that the House of Representatives is dissolved) while the term of office of members of the House of Councillors is six years (and election for half the members takes place every three years) (Articles 45 and 46).

59. The House of Representatives has 480 members, of whom 300 are elected under a single-representative constituency system, while 180 are elected under a proportional representation system in which the nation is divided into 11 regions. The House of Councillors has 242 members, of whom 96 are elected through proportional representation, and 146 are elected as representatives from the nation's 47 electoral districts, i.e. prefectures.

(b) Political parties

60. Political parties play important roles in keeping the separation of powers in place. While there is no direct provision, the Constitution of Japan has provisions that anticipate the existence of political parties that guarantee the freedom of association (Article 21) or that adopt the parliamentary system of government (paragraph 3 of Article 66, Articles 67 to 69). According to Article 3 of the Political Funds Control Act, a political organization is defined as 1) an organization whose purposes are principally to promote, support, or oppose a political principle or policy, or 2) an organization whose principal purposes are to recommend, support, or oppose a candidate for elective public office and others. Of these, 1) a political organization having 5 or more members of the House of Representatives or the House of Councillors or 2) a political organization which obtained 2% or more of the total effective votes in the most recent election for the members of the House of Representatives or the House of Councillors is defined as a "political party."

61. As of January 18, 2012, 12 political parties have been publicly announced in the official gazettes, the New Komeito, the People's New Party, Social Democratic Party, Liberal Democratic Party of Japan, New Renaissance Party, Kizuna Party, New Party Daichi, New Party Nippon, the Sunrise Party of Japan, Japanese Communist Party, the Democratic Party of Japan, and Your Party.

(c) Statistics

62. The number of persons registered on voting lists as of September 2, 2011 was 104,363,405, of which male voters were 50,437,107 while female voters were 53,926,298. The percentage of registered voters to the total population was 81.5%.³⁵

	2011.9.2	2010.9.2	2009.9.2	2008.9.2	2007.9.2
Total registered voters (persons)	104,363,405	104,380,514	104,287,444	104,093,583	103,956,347
Men (persons)	50,437,107	50,461,288	50,431,862	50,348,729	50,303,462
Women (persons)	53,926,298	53,919,226	53,855,582	53,744,854	53,652,885
Population obtained by Census (persons) ³⁶	128,057,352	128,057,352	127,767,994	127,767,994	127,767,994

³⁵ The figures are based on the number of voters registered on domestic and overseas electoral roll (prepared by the Ministry of Internal Affairs and Communications) and the results of the Census.

	2011.9.2	2010.9.2	2009.9.2	2008.9.2	2007.9.2
Registered voters / Population obtained by Census (%)	81.5	81.5	81.6	81.5	81.4

63. There are no official data relating to the penetration rate of televisions, newspapers, and radios. For reference, the trends in users of the Internet are shown below.

	End of 2006	End of 2007	End of 2008	End of 2009	End of 2010
Number of Internet users (10,000 persons)	8,754	8,811	9,091	9,408	9,462
Penetration rate (%)	72.6	73.0	75.3	78.0	78.2

64. As of January 2012, political groups have the following numbers of seats:

<i>Number of seats in the House of Representatives</i>				<i>Number of seats in the House of Councillors</i>				
Name of political group	Men	Women	Total	Name of political group	Men	Women	Total	
The Democratic Party of Japan-Independent Club	255	37	292	The Democratic Party of Japan- Shinryokufu-kai	86	20	106	
Liberal Democratic Party-Independent Party	112	8	120	Liberal Democratic Party- the Sunrise Party of Japan-Independent Party	70	16	86	
New Komeito	18	3	21	New Komeito	16	3	19	
Your Party	5	0	5	Your Party	11	0	11	
Japanese Communist Party	8	1	9	Japanese Communist Party	4	2	6	
Social Democratic Party-Democratic Federation	5	1	6	Social Democratic Party- the Union for Defense of the Constitution	3	1	4	
The Sunrise Party of Japan	2	0	2	New Renaissance Party	2	0	2	
The People's New Party-New Party Nippon	5	0	5	The People's New Party	3	1	4	
Kizuna Party	8	1	9		0	0	0	
Independents (Vacancy)	9	1	10	Independents	3	1	4	
			1				0	
Total	427	52	480		0	198	44	242

³⁶ Figures for statistics in 2010 and 2011 are based on the 2010 Census and those from 2006 to 2009 are based on the 2005 Census.

65. Numbers of seats held by respective political parties at National Election are as follows:

	<i>Election of members of the House of Councillors 2010</i>			<i>Election of members of the House of Representatives 2009</i>		
	Men	Women	Total	Men	Women	Total
The Democratic Party of Japan	38	6	44	268	40	308
Liberal Democratic Party	43	8	51	111	8	119
New Komeito	8	1	9	18	3	21
Your Party	10	0	10	5	0	5
Japanese Communist Party	2	1	3	8	1	9
Social Democratic Party	1	1	2	5	2	7
The Sunrise Party of Japan	1	0	1			
The People's New Party				3	0	3
New Renaissance Party	1	0	1			0
New Party Nippon				1	0	1
Others				1	0	1
Independents				6	0	6
(Vacancy)						
Total	104	17	121	426	54	480

66. Under the Third Basic Plan for Gender Equality, the Government of Japan promotes a variety of effective positive action measures tailored to the area and subject and introduces the positive actions in 'goal and timetable' methods by clearly establishing specific numerical targets and deadlines in each priority area.

67. With respect to women's participation in policy decision-making processes, as of November 2011, the number and percentage of female Diet members to all 721 Diet members is 97 (13.5%). In the House of Representatives, 52 seats out of 479 are held by female lawmakers (10.9%) while in the House of Councillors, 45 seats out of 242 are held by female members (18.6%). As of November 2011, female lawmakers hold important positions, including chairpersonships of Standing Committees and Special Committees of the House of Representatives.

68. The Government has announced, in the Third Basic Plan for Gender Equality, the expansion of women's participation in political fields which have not been addressed so far and set the goal of the ratio of female candidates for both the House of Representatives and the House of Councillors at 30% by 2020 for the first time. Based on this Plan, the Minister of State (for Gender Equality) asked each political party and association of chairpersons of local assemblies for cooperation in introducing positive actions such as increasing the female percentage of political party leadership or in total candidates to run for national or local elections, development of a system to promote the work and life balance of female politicians, formation of a network of female lawmakers in local assemblies, etc.

69. With respect to the promotion of women's participation in national advisory councils and committees, the Headquarters for the Promotion of Gender Equality decided in April 2006 that the Government should achieve the status where the percentage of either male or female members in national advisory councils and committees would not be less than 40% of total members by 2020 and that the immediate goal thereof should be the achievement of a female percentage at 33.3% by the end of FY2010. As of the end of

September 2010, this percentage has risen to 33.8%. Currently, each ministry is promoting an approach towards the goal for 2020 by using a female human resources database.

70. The percentage of female Diet members for the last 5-year period available is as follows:

	2007.4	2008.4	2009.5	2010.5	2011.4
Female members of the House of Representatives (persons)	45	45	44	54	52
Percentage of female members among total members of the House of Representatives (excluding vacancies) (%)	9.4	9.4	9.2	11.3	10.9
Female members of the House of Councillors (persons)	34	44	44	42	44
Percentage of female members among total members of the House of Councillors (excluding vacancies) (%)	14.3	18.2	18.2	17.4	18.2

71. *Average Voter Turnout in National or Local Elections per Prefecture.* Average voter turnout in the most recent national election (House of Councillors Election 2010 for members to be elected under the proportional representation system) was 57.92%. Voter turnout for the latest elections for prefectural governors is shown in the following table:

(Unit: %)

Prefecture	National Election		Local Elections
	House of Councillors Election 2010 (proportional representation)	House of Councillors Election 2010 (electoral district)	Prefectural Governor Election (latest)
Hokkaido	61.88	61.89	59.46
Aomori	54.55	54.55	41.52
Iwate	60.35	60.36	59.92
Miyagi	53.34	53.34	46.57
Akita	65.05	65.05	67.39
Yamagata	63.96	63.97	65.51
Fukushima	61.62	61.63	42.42
Ibaraki	55.11	55.11	67.97
Tochigi	56.60	56.59	32.28
Gunma	58.55	58.55	36.62
Saitama	55.82	55.83	24.89
Chiba	54.84	54.85	45.56
Tokyo	58.69	58.70	57.80
Kanagawa	55.56	55.56	45.24
Niigata	60.99	60.99	46.49
Toyama	64.85	64.86	41.44
Ishikawa	59.85	59.86	48.13

		<i>National Election</i>	<i>Local Elections</i>
Fukui	65.25	65.26	58.05
Yamanashi	64.04	64.04	42.29
Nagano	64.72	64.72	52.70
Gifu	59.75	59.75	38.44
Shizuoka	57.37	57.37	61.06
Aichi	57.46	57.46	52.52
Mie	60.85	60.85	55.69
Shiga	60.81	60.82	61.56
Kyoto	53.71	53.71	41.09
Osaka	56.34	56.35	52.88
Hyogo	54.41	54.41	36.02
Nara	59.11	59.11	52.21
Wakayama	59.37	59.38	43.37
Tottori	65.76	65.77	59.11
Shimane	71.69	71.70	52.70
Okayama	56.97	56.97	43.78
Hiroshima	53.51	53.51	33.71
Yamaguchi	61.90	61.91	37.21
Tokushima	58.24	58.24	50.55
Kagawa	57.71	57.71	36.92
Ehime	57.55	57.56	49.17
Kochi	58.49	58.49	No voting
Fukuoka	56.07	56.07	41.52
Saga	63.05	63.05	59.41
Nagasaki	61.29	61.30	60.08
Kumamoto	61.91	61.91	49.36
Oita	62.96	62.96	56.44
Miyazaki	56.77	56.77	40.82
Kagoshima	58.36	58.36	38.99
Okinawa	52.41	52.44	60.88
Total	57.92	57.92	—

3. Executive branch

72. The Cabinet shall consist of the Prime Minister and other Ministers of State (paragraph 1 of Article 66 of the Constitution of Japan).

73. At present, under the Cabinet, the executive branch of Japan consists of one Office and 13 Ministries and Agencies (Cabinet Office; National Public Safety Commission (National Police Agency); Reconstruction Agency; the Ministry of Internal Affairs and Communications; the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of Finance; the Ministry of Education, Culture, Sports, Science and Technology; the Ministry of Health, Labour and Welfare; the Ministry of Agriculture, Forestry, and Fisheries; the

Ministry of Economy, Trade and Industry; the Ministry of Land, Infrastructure, Transport and Tourism; the Ministry of Environment; and the Ministry of Defense).

74. There are also the National Personnel Authority, the Fair Trade Commission, the Environmental Disputes Coordination Commission, the Public Security Examination Commission, the Central Labor Relations Commission, and other administrative organizations.

75. Japan adopts the public servant personnel system under which public servants are in charge of the administrative affairs of the nation and local governments.

4. Judicial branch

(a) General

76. According to the Constitution of Japan, all judicial power shall be vested in the courts (paragraph 1 of Article 76). All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws (paragraph 3 of Article 76). Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties and no disciplinary action against judges shall be administered by any executive organ or agency (Article 78). The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted (Article 64) and the appointment of the judges of the Supreme Court shall be reviewed by the people in the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of 10 years, and in the same manner thereafter. When the majority of voters favors the dismissal of a judge, he/she shall be dismissed (paragraphs 2 to 4 of Article 79).

77. There are two types of courts in Japan; namely, the Supreme Court and lower courts (high court, district court, family court, and summary court). The Supreme Court is headed by the Chief Justice and has 14 judges. Japan has a three-tiered court system in principle and adopts a retrial system under which a retrial is allowed if there is a justifiable reason approved by law even after the judgment becomes final. Trials shall be conducted and judgment declared publicly (paragraph 1 of Article 82).

(b) Statistics on criminal justice

78. Number of cases of felonious offenses and violent offenses known to the police per 100,000 population (2010):

		2010	
		Number of cases known to police	Percentage of cases known to police per 100,000 population ³⁷
Felonious offenses		7,576	5.9
	Total of murder	1,067	0.8
	Murder	1,012	0.8

³⁷ Using total population based on the Preliminary Count of the 2010 Population Census announced by the Ministry of Internal Affairs and Communications on February 25, 2011.

			2010
	Infanticide	13	0.0
	Preparation for homicide	22	0.0
	Assisting suicide	20	0.0
	Total of robbery	4,029	3.1
	Robbery-murder	36	0.0
	Robbery causing injury	1,415	1.1
	Robbery-rape	97	0.1
	Robbery & Quasi-robbery	2,481	1.9
	Arson	1,191	0.9
	Rape	1,289	1.0
	Violent offenses	63,646	49.7
	Unlawful assembly with dangerous weapons	6	0.0
	Assault	29,593	23.1
	Bodily injury	26,432	20.6
	Bodily injury causing death	115	0.1
	Intimidation	2,298	1.8
	Extortion	5,202	4.1

79. Number of felonious or violent arrestees per 100,000 population and percentage of each type of offense (2010):

				2010
		Number of arrestees	Number of 100,000 population ³⁸	Percentage of each type of offense where the total of felonious offenses and violent offenses are 100 (%)
Total of Felonious offenses and violent offenses		54,546	48.6	100.0
Felonious offenses		5,021	4.5	9.2
Total of Murder		999	0.9	1.8
	Murder	954	0.9	1.7
	Infanticide	10	0.0	0.0
	Preparation for homicide	19	0.0	0.0
	Assisting suicide	16	0.0	0.0
Total of Robbery		2,568	2.3	4.7
	Robbery-murder	50	0.0	0.1

³⁸ Using the population 14 years of age or older based on the Preliminary Count of the 2010 Population Census announced by the Ministry of Internal Affairs and Communications on February 25, 2011.

				2010
	Robbery causing injury	1,155	1.0	2.1
	Robbery-rape	63	0.1	0.1
	Robbery & Quasi-robbery	1,300	1.2	2.4
	Arson	651	0.6	1.2
	Rape	803	0.7	1.5
	Violent offenses	49,525	44.1	90.8
	Unlawful assembly with dangerous weapons	45	0.0	0.1
	Assault	22,076	19.7	40.5
	Bodily injury	21,895	19.5	40.1
	Bodily injury causing death	135	0.1	0.2
	Intimidation	1,613	1.4	3.0
	Extortion	3,761	3.4	6.9

80. The Government of Japan recognizes that among those who were subject to punishment under the category of felonious offenses³⁹ at their criminal trial in the first instance and were handed down a guilty verdict⁴⁰, the number of offenders receiving a sentence of imprisonment^{41,42} is as follows:

	<i>Number of those found guilty</i>	<i>Number of those sentenced to imprisonment</i>
2006	3,442	3,429
2007	2,993	2,979
2008	2,696	2,691
2009	2,572	2,563
2010	2,275	2,271

81. Number of felonious offenders (murder, robbery, arson, or rape) who were arrested,⁴³ prosecuted, and sentenced to imprisonment:⁴⁴

³⁹ Felonious offenses refer to arson (Articles 108 to 111, 113 and 114 of the Penal Code), rape (Article 177, paragraph 2 of Article 178, paragraph 2 of Article 181, Article 178-2, paragraph 3 of Article 181 of the Penal Code), murder (Articles 199 and 201 of the Penal Code) and robbery (Articles 236 to 241 of the Penal Code, Articles 2 to 4 of the Act on Prevention and Punishment of Robbery and Theft Act).

⁴⁰ The number of those found guilty includes those who were prosecuted for multiple counts and found not guilty of a part of these counts.

⁴¹ Punishment by imprisonment includes imprisonment for life.

⁴² Refers to actual number.

⁴³ Number of arrested offenders refers to only those of cases already finished.

⁴⁴ Number of those who were sentenced to imprisonment includes new inmates. Murder includes infanticide (Article 199 of the Penal Code) and preparation for murder (Article 201 of said Code) and inducing or aiding suicide (Article 202 of said Code).

Category		Murder	Robbery	Arson	Rape
2006	Arrested	813	3,145	758	1,138
	Prosecuted	690	2,563	574	953
	Sentenced to imprisonment	614	1,503	276	496
2007	Arrested	749	2,682	729	1,086
	Prosecuted	612	2,074	521	885
	Sentenced to imprisonment	501	1,181	253	501
2008	Arrested	737	2,369	612	1,043
	Prosecuted	604	1,797	463	789
	Sentenced to imprisonment	458	1,047	238	446
2009	Arrested	646	2,666	619	886
	Prosecuted	492	2,060	430	662
	Sentenced to imprisonment	414	1,057	198	385
2010	Arrested	520	2,058	583	831
	Prosecuted	380	1,635	414	568
	Sentenced to imprisonment	348	916	179	311

82. Number of sex crime cases known to police:

	2006	2007	2008	2009	2010
Rape	1,948	1,766	1,582	1,402	1,289
Forcible indecency	8,326	7,664	7,111	6,688	7,027
Public indecency	2,602	2,286	2,361	2,357	2,651
Distribution of obscene objects, etc.	795	810	816	797	837

83. *Term of pre-sentencing detention.* The Code of Criminal Procedure of Japan limits the detention period of a suspect after arrest and before indictment to 23 days in total so that the investigation can be sufficiently performed to clarify the case while guaranteeing the human rights of the suspect.

84. When indicted, the accused may be released on bail under certain conditions that he or she is deemed not to conceal nor destroy evidence, etc.

85. Number of sentenced persons by type of charged offenses or period of imprisonment:

(i) Number of inmates by type of charged offenses

Type of charged offenses	2006	2007	2008	2009	2010
Total	70,496	70,053	67,672	65,951	63,845

<i>Type of charged offenses</i>	2006	2007	2008	2009	2010
Criminal Offenses	50,878	51,171	49,224	48,010	45,861
Obstruction of execution of official duty	211	209	188	160	151
Escape	—	—	—	—	—
Harboring criminals / Suppressing evidence	15	14	13	5	13
Disturbance	—	—	—	—	—
Arson	1,215	1,166	1,113	1,056	978
Trespassing	495	480	453	432	415
Counterfeiting of currency	168	136	122	101	84
Counterfeiting of documents, securities, or seals / Unauthorized creation of electromagnetic records of payment cards	471	511	488	470	435
Perjury / False complaints	8	8	6	7	2
Obscenity / Distribution of obscene documents	83	90	97	125	110
Forcible indecency / Forcible indecency causing death or injury	866	909	959	933	910
Rape / Rape causing death or injury	2,028	2,115	2,137	2,144	2,014
Gambling / Lotteries	21	19	19	35	23
Bribery	17	13	19	16	11
Murder	4,189	4,210	4,173	4,093	3,891
Bodily injury	2,674	2,759	2,559	2,405	2,266
Bodily injury causing death	960	812	813	771	732
Assault	148	169	172	159	136
Dangerous driving causing death or injury	260	316	279	265	238
Causing death or injury through negligence in the pursuit of social activities	1,365	1,239	715	298	112
Gross negligence causing death or injury	4	3	2	3	5
Driving causing death or injury	...	51	297	465	675
Intimidation	116	121	117	76	69
Abduction / Kidnapping / Buying or Selling of human beings	88	95	77	81	62
Theft	19,663	19,675	18,882	18,482	17,836
Robbery	2,535	2,490	2,389	2,347	2,261
Robbery causing death or injury	4,730	4,829	4,710	4,568	4,425
Robbery-rape / Robbery-rape resulting in death	462	486	498	504	508
Fraud	4,556	4,688	4,679	4,916	4,707
Extortion	1,721	1,618	1,461	1,213	1,016
Embezzlement / Breach of trust	557	614	579	532	487
Dealing in stolen goods	133	97	77	83	65
Violation of act relating to duel/shoot-out	—	—	—	—	—

<i>Type of charged offenses</i>	2006	2007	2008	2009	2010
Violation of penal provisions related to treatment of explosives	30	29	32	33	36
Violation of the Act on Punishment of Physical Violence and Others	431	400	336	344	329
Other criminal offenses	758	800	763	888	859
Special Law Offenses	19,618	18,882	18,448	17,941	17,984
Public Office Election Act	2	6	2	2	2
Petty Offenses Act	1	1	1	—	1
Firearms and Swords Control Act	637	605	547	493	410
Prostitution Prevention Act	68	62	50	52	52
Child Welfare Act	136	124	134	160	162
Narcotics and Psychotropics Control Act	276	283	301	267	250
Stimulants Control Act	15,323	14,738	14,403	14,103	14,446
Employment Security Act	15	8	6	3	9
Road Traffic Act	1,198	1,182	1,212	1,157	1,155
Immigration Control and Refugee Recognition Act	541	456	343	242	198
Other Special Law Offenses	1,421	1,417	1,449	1,462	1,299

(ii) Number of inmates per prison term

<i>Type of punishment and term</i>	2006	2007	2008	2009	2010
Total	70,496	70,053	67,672	65,951	63,845
Imprisonment with work	70,164	69,728	67,346	65,654	63,581
Up to 3 months	42	25	31	22	23
Up to 6 months	442	412	349	329	283
Up to 1 year	3,252	3,122	3,020	2,870	2,507
Up to 2 years	14,943	14,590	13,692	13,471	13,230
Up to 3 years	17,862	17,763	16,893	16,615	16,311
Up to 5 years	17,906	17,572	16,891	15,862	14,938
Up to 7 years	6,426	6,422	6,227	5,982	5,663
Up to 10 years	4,320	4,482	4,528	4,538	4,460
Up to 15 years	2,570	2,766	2,948	3,041	3,091
Up to 20 years	774	834	942	989	1,061
Over 20 years	31	70	114	163	218

<i>Type of punishment and term</i>	2006	2007	2008	2009	2010
Indefinite	1,596	1,670	1,711	1,772	1,796
Imprisonment without work	331	324	326	297	263
Up to 3 months	3	—	—	1	—
Up to 6 months	—	—	2	2	—
Up to 1 year	33	37	36	31	34
Up to 2 years	210	180	170	137	117
Up to 3 years	70	84	89	90	79
Up to 5 years	14	23	30	34	30
Over 5 years	1	—	—	2	3
Indefinite	—	—	—	—	—
Misdemeanor imprisonment without work	1	1	—	—	1

86. Number of accidents resulting in death during detention or imprisonment.⁴⁵

(Unit: Cases)

<i>FY</i>	2006	2007	2008	2009	2010
Penal institutions	19	22	26	15	24
Detention facilities	7	7	7	3	7

87. Number of death penalty executions per year:

<i>Year</i>	2006	2007	2008	2009	2010
Number of persons	4	9	15	7	2

88. Number of police officers, prosecutors, and judges per 100,000 population:

<i>FY</i>	2007	2008	2009	2010	2011
Police officers	197.93	197.83	198.55	199.21	199.41
Prosecutors	1.98	2.02	2.05	2.09	2.10
Judges	2.67	2.73	2.79	2.83	2.86

89. *Public expenditure for police, public safety and justice.* The expenditures for the National Police Agency and the Ministry of Justice of the National Treasury in Fiscal Year 2010 were 275,098,880,152 yen and 669,594,821,286 yen, respectively.

⁴⁵ Number of accidents resulting in death refers to the number of suicides and other accidents and excludes deaths from disease.

<i>FY</i>	<i>National Police Agency (Yen)⁴⁶</i>	<i>Ministry of Justice (Yen)</i>
2006	248,564,796,104	663,356,677,379
2007	269,758,949,799	673,976,510,191
2008	276,916,961,629	681,884,155,120
2009	329,300,902,066	672,707,427,477
2010	275,098,880,152	669,594,821,286

90. The Government of Japan recognizes that the number of persons under detention among the accused in a criminal trial in the first instance and the number of persons for whom a court-appointed defense counsel was appointed are as follows:⁴⁷

<i>Year</i>	<i>Number of persons under detention</i>	<i>Of these, number of persons for whom a court-appointed defense counsel was appointed</i>
2006	73,070	56,391
2007	67,652	52,759
2008	63,575	50,486
2009	61,872	50,954
2010	58,623	50,824

(c) Crime victim compensation program

(i) Benefit System for Crime Victims

91. The Benefit System for Crime Victims is a framework based on a spirit of social solidarity and mutual aid. Under the system, the State provides financial benefits (“survivor benefits,” “severe injury and disease benefits,” or “disability benefits”) to crime victims who have suffered serious injury or illness or remain disabled, or to the families of crime victims who have been killed, as a result of criminal acts which harmed the life or body of individuals, to help alleviate mental suffering and financial damage.

<i>FY</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
<i>Category</i>					
Number of victims who applied (Number of applicants)	491 (649)	448 (574)	462 (565)	589 (719)	585 (718)
Number of victims awarded a payment (Number of rulings)	435 (583)	407 (546)	388 (510)	538 (656)	534 (641)
Number of victims denied a payment (Number of rulings)	23 (27)	38 (42)	19 (22)	28 (31)	29 (32)
[Total] Number of victims involved in rulings (Number of rulings)	458 (610)	445 (588)	407 (532)	566 (687)	563 (673)

⁴⁶ The amount of expenditures (general account) by the National Police Agency (nationwide: national expenditure) for the 5-year period.

⁴⁷ Refers to actual number.

<i>FY</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
<i>Category</i>					
Amount awarded (Unit: million yen)	1,272	932	907	1,277	1,311

(ii) *Damage Recovery Benefit System*

92. The benefit payment system for restitution of crime damages started in December 2006 to deprive criminals of crime proceeds and for the protection of victims of such crimes. If an asset-related crime like fraud is committed in an organized manner or any property belonging to a victim is concealed or acquired, it has become possible to confiscate such property or collect the equivalent value from the accused, and the money obtained through sale of such property or money equivalent to the value of the property collected from the accused is maintained as compensation funds and then paid out to the victim for the purpose of restitution for the damage.

5. Local autonomy

93. The Constitution of Japan stipulates that regulations concerning organization and operation of local public entities shall be fixed by law in accordance with the principle of local autonomy (Article 92). Based on this, the Local Autonomy Act was enacted in 1947.

94. As local public entities, there are 47 prefectures and 1,734 municipalities in Japan (as of October 1, 2010).

95. Each local public entity has an assembly as a deliberative organ and a head of a local government (governor or head of municipality, etc.). The assembly consists of assembly members elected by citizens and has the authority to establish and abolish the ordinances within the scope of laws and regulations and to approve the budget and settlement of accounts of the local governmental treasury.

96. The head of a local public entity, who is also elected by the citizens, manages and performs the affairs of the local government, such as enforcement of the ordinances, submission of an agenda and a budget to the assembly, establishment of rules and regulations, etc.

97. Under the Local Autonomy Act, residents may have the right to make a direct request to the local government with respect to establishment, revision, or abolishment of the ordinances, audit of affairs, dissolution of the assembly, and dismissal of assembly members or the head thereof.

6. Legal framework for NGOs

98. In Japan, there is no official registration system for NGOs (non-governmental organizations); however, it is recognized that certain organizations working actively in international society as Japanese NGOs have the status of NPO (non-profit organization) registered under Japanese laws.

99. “NPO” is a generic term for organizations whose primary objective is to make contributions to society without distributing the proceeds therefrom to members of the organization. NPOs are allowed to conduct businesses for a profit purpose; however, they are supposed to allot the proceeds gained from their businesses to social contribution activities. Of these, a “specified non-profit juridical person” is a juridical person who has obtained a juridical personality (which means an entity other than an individual to have rights or obligations) in accordance with the Act to Promote Specified Non-profit

Activities. Whether possessing a judicial personality or not, NPOs are expected to play an important role in responding to the diversified needs of society in various fields.

100. Actually, there are many NPOs which are working without a judicial personality; however, they suffer inconveniences such that they are not able to open a bank account or lease office space in the name of the organization. The system of the “specified non-profit judicial person” was introduced in October 2001 as a mechanism for an NPO to be able to obtain a judicial personality with an easy procedure in order to eliminate these inconveniences and to promote NPO activities. The main feature of the system is that it is designed to respect and ensure free operation of the organization and to limit the involvement of the competent authorities as much as possible based on the selection and monitoring of citizens through information disclosure.

101. To organize an NPO, it is necessary to make an application to the competent authority and receive an approval thereof. After obtaining the approval and following the registration procedures, the NPO is established as a judicial person.

102. As of July 31, 2011, there are 43,116 specified non-profit juridical persons that have been officially approved in Japan.

II. General framework for protection and promotion of human rights

A. Acceptance of international human rights norms

1. Status of conclusion of major human rights treaties and conventions

103. As of December 2011, the Government of Japan has concluded or signed the following international human rights or humanitarian treaties and conventions:

- (a) Major international human rights conventions and protocols
 - International Covenant on Economic, Social, and Cultural Rights (concluded and enforced in 1979)
 - International Covenant on Civil and Political Rights (concluded and enforced in 1979)
 - International Convention on the Elimination of All Forms of Racial Discrimination (concluded in 1995 and enforced in 1996)
 - Convention on the Elimination of All Forms of Discrimination against Women (concluded and enforced in 1985)
 - Convention on the Rights of the Child (concluded and enforced in 1994)
 - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (concluded and enforced in 2004)
 - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (concluded and enforced in 2005)
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (concluded and enforced in 1999)
 - Convention on the Rights of Persons with Disabilities (signed in 2007)

- International Convention for the Protection of All Persons from Enforced Disappearance (concluded in 2009 and enforced in 2010)
- (b) Other UN human rights treaties
 - Convention relating to the Status of Refugees (concluded in 1981 and enforced in 1982)
 - Protocol relating to the Status of Refugees (concluded and enforced in 1982)
 - Rome Statute of the International Criminal Court (concluded and enforced in 2007)
- (c) Geneva Conventions and other international humanitarian laws
 - Geneva Conventions of 1949 (First, Second, Third, and Fourth Conventions) (concluded and enforced in 1953)
 - 1977 additional Protocols to the Geneva Conventions (First and Second Protocols) (concluded in 2004 and enforced in 2005)

104. With respect to the Convention on the Rights of Persons with Disabilities, which Japan has not yet concluded, the Government of Japan established the Ministerial Board for Disability Policy Reform in December 2009 in order to implement an intensive reform of the system for persons with disabilities, including the development and coordination of domestic laws and regulations necessary to conclude the treaty. Under the Ministerial Board, the Committee for Disability Policy Reform mainly consisting of persons with disabilities, had been held to discuss matters relating to the promotion of measures for persons with disabilities. Based on this, the Government submitted to the Diet the Amended Basic Act for Persons with Disabilities stipulating the establishment of an organization to monitor the implementation of the measures, which was enacted in July 2011. In this way, by promoting the preparation and coordination of necessary internal laws and regulations, the State is continuously aiming at early conclusion of the Convention on the Rights of Persons with Disabilities based on the progress thereof.

105. Some human rights treaties include an individual communications procedure. Japan has not accepted it. The Government considers the procedure to be noteworthy in that it effectively guarantees the implementation of the treaties. With regard to the acceptance of the procedure, the Government is making an internal study of various issues including whether it poses any problem in relation to Japan's judicial system or legislative policy, and a possible organizational framework for implementing the procedure if we were to accept it. In this process, the Division for Implementation of Human Rights Treaties was set up in MOFA in April 2010. The Government will continue to seriously consider whether or not to accept the procedure, while taking into account opinions from various quarters.

2. Reservations and declarations

106. Japan has made reservations and interpretive declarations to the following treaties and conventions.

(a) International Covenant on Economic, Social, and Cultural Rights

(i) Paragraph (d) of Article 7

a. Status and scope

107. In applying the provisions of paragraph (d) of Article 7 of the International Covenant on Economic, Social, and Cultural Rights, Japan reserves the right not to be bound by "remuneration for public holidays" referred to in the said provisions.

b. Reason

108. In Japan, there is no social consensus that workers are to be paid remuneration on public holidays on which they do not work and accordingly few enterprises adopt a salary system to such effect. Therefore, the Government deems it appropriate that the issue of whether or not the remuneration for public holidays is paid should be deliberated between labor and management.

(ii) *Subparagraph (d) of Paragraph 1 of Article 8*

a. Status and scope

109. Japan reserves the right not to be bound by the provision of subparagraph (d) of paragraph 1 of Article 8 of the International Covenant on Economic, Social, and Cultural Rights, except in relation to the sectors in which the right referred to in the said provision is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.

b. Reason

110. Article 8 of the Covenant provides for basic labour rights, and the provision of subparagraph (d) of paragraph 1 prescribes the right to strike. On the other hand, paragraph 2 of the Article 8 provides this article shall not prevent the imposition of lawful restrictions on the exercise of these rights. The scope of “members of the administration of the State”, which this restriction might be imposed on, is not necessarily consistent with the relevant provisions of Japanese laws and regulations. Japan thus reserves the right not to be bound by the provision of subparagraph (d) of paragraph 1 of Article 8, except in relation to the sectors in which the right referred to in the said provision is accorded in accordance with the laws and regulations of Japan at the time of ratification of said Covenant by the Government of Japan.

(iii) *Sub-paragraphs (b) and (c) of paragraph 2 of article 13*

a. Status and scope

111. In applying the provisions of sub-paragraphs (b) and (c) of paragraph 2 of Article 13 of the International Covenant on Economic, Social, and Cultural Rights, Japan reserves the right not to be bound by “in particular by the progressive introduction of free education” referred to in the said provisions.

b. Reason

112. Concerning the provision for making upper secondary and higher education free of charge, students who receive education are currently required to bear a reasonable burden from the point of view of an equitable payment burden and difficulty in securing sufficient funds in the case that such education were to be provided free of charge. For this and other reasons, Japan reserves the right not to be bound by the provision “in particular by the progressive introduction of free education” as stipulated in Article 13.2 (b) and (c) of the Covenant. However, concerning these education levels, with regard to the latter course of secondary education, in 2010 the Government of Japan has made public high schools tuition free and established the High School Enrollment Support Fund for tuition payments to ease the burden of educational costs on household expenditures for students attending national and private high schools, etc. (Japan’s rate of students continuing to high school in 2011 was 98.2% .) The Government is also promoting measures to reduce the economic burden of students receiving higher education through tuition exemption support or scholarship programs. As a consequence of considering these measures, the Government is

now under the process of withdrawing the reservation to the provision “in particular by the progressive introduction of free education” referred to in the Covenant.

(iv) *Paragraph 2 of article 8*

a. Status and scope

113. Recalling the position taken by the Government of Japan, when ratifying the International Labour Organization Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, that “the police” referred to in Article 9 of the said Convention be interpreted to include the fire service of Japan, the Government of Japan declares that “members of the police” referred to in paragraph 2 of Article 8 of the International Covenant on Economic Social and Cultural Rights as well as in paragraph 2 of Article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan.

b. Reason

114. For a variety of reasons, including the fact that the Fire Service of Japan has been considered a part of the Police since its founding, since although being organizationally separated from the police in 1948, the nature and contents of its duties and authority have not changed in principle from the time when it was a part of the Police; the Fire Service has been given similar objectives and duties to protect the lives, bodies, and property of citizens as well as the same authority of obligation in performing such objectives and duties as its Police counterparts under the current laws; and the Fire Service is required to perform well-disciplined, prompt, and courageous troop actions like the Police, the Government of Japan has interpreted the fire service of Japan to be included in the “members of the police” as defined in Article 9 of ILO Convention No. 87.

(b) International Covenant on Civil and Political Rights

Paragraph 2 of article 22

115. Please see paragraphs 0–0 above.

(c) International Convention on the Elimination of All Forms of Racial Discrimination

Paragraphs (a) and (b) of Article 4

a. Status and scope

116. In applying the provisions of paragraphs (a) and (b) of Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Japan fulfills the obligations under those provisions to the extent that fulfillment of the obligations is compatible with the guarantee of the rights to freedom of assembly, association, and expression and other rights under the Constitution of Japan, noting the phrase “with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention” referred to in Article 4.

b. Reason

117. The concept laid out in Article 4 covers an extremely wide range of acts carried out in various situations and in various manners. Restricting all these acts with punitive laws that go beyond the existing legal system in Japan may conflict with what the Constitution guarantees, including the freedom of expression that strictly demands the necessity and rationale for its restrictions, and with the principle of legality of crime and punishment that

requires concreteness and clarity in determining the punishable acts and penalties. It is on the basis of this judgment that the Japanese Government made its reservations about Article 4 (a) and (b) of the Convention.

(d) Convention on the Rights of the Child

(i) Paragraph 1 of article 9

a. Status and scope

118. The Government of Japan declares that paragraph 1 of Article 9 of the Convention on the Rights of the Child be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.

b. Reason

119. With respect to paragraph 1 of Article 9 of the said Convention, in specific cases in which a child is abused by his or her father or mother or in which the parents live separately from each other, it is understood that this provision stipulates that the State Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. It is interpreted that paragraph 1 of Article 9 of the said Convention will not prevent the child-parent separation resulting from any action allowed to be initiated by a State Party in accordance with paragraph 4 of Article 9 of the said Convention, such as deportation, detention, or imprisonment of the child or one or both parents.

(ii) Paragraph 1 of article 10

a. Status and scope

120. The Government of Japan declares further that the obligation to deal with applications to enter or leave a State Party for the purpose of family re-unification “in a positive, humane and expeditious manner” provided for in paragraph 1 of Article 10 of the Convention on the Rights of the Child be interpreted not to affect the outcome of such applications.

b. Reason

121. It is understood that the term “positive manner” in this provision means to prevent negative treatment such as rejecting the application to enter or leave a State Party in principle, that the term “humane” means to give humane consideration as required in the course of the procedures for the application to enter or leave a State Party if necessary, and that the term “expeditious manner” means to handle the relevant procedures properly so that they will not be unnecessarily delayed. Therefore, it is construed that the phrase “in a positive, humane and expeditious manner” will not prejudice and bind the outcome of such applications.

(iii) Paragraph (c) of article 37

a. Status and scope

122. In applying paragraph (c) of Article 37 of the Convention on the Rights of the Child, Japan reserves the right not to be bound by the provision in its second sentence; that is, “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so,” considering that in Japan as regards persons deprived of

liberty, those who are below twenty years of age are to be generally separated from those who are of twenty years of age and over under its national law.

b. Reason

123. The Juvenile Act of Japan defines a “juvenile” as a person under the age of twenty (Article 2 of said Act) and, with regard to persons deprived of liberty, those who are under twenty years of age (so-called “juveniles”) to be separate from those who are of twenty years of age and over (so-called “adults”) (Articles 49 and 56 of said Act).

124. While the Convention treats a person under 18 years of age as a “child” and provides thorough protection for him/her, the Japanese system expands such protection more broadly to include persons below 20 years of age, which meets the intent and objective of paragraph (c) of Article 37 of said Convention purporting to protect youth such as “children” from harmful influences, by separating them from adults. With regard to the actual treatment of these juveniles in Japanese correctional institutions, those who do not vary significantly in terms of aptitude and ability and thus require common treatment are formed into respective groups, and appropriate consideration is given to individual juveniles so that they are not negatively affected by other inmates who have advanced criminal tendencies. This is deemed to comply with the intention of the Convention.

(e) **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

Paragraph 5 of article 3

a. Status and scope

125. The Government of Japan amended the declaration made based on paragraph 2 of Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to the effect that “the Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces” (the amended declaration came into effect on April 1, 2010).

b. Reason

126. In concluding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (hereinafter referred to as the “Protocol”) (Convention approved by the Diet; ratified on August 2, 2004), the Government of Japan submitted a declaration of the following contents in accordance with paragraph 2 of Article 3 of the Protocol: 1) it recruits as members of the Japan Self-Defense Forces only those who are 18 years old or over, with the exception of students solely receiving education and training at the schools which belong to the Japan Self-Defense Forces (“Youth Cadets”); 2) the minimum age for recruitment of Youth Cadets is 15 years old; and 3) safeguards are adopted to ensure that the recruitment of Youth Cadets is neither forced nor coerced.

127. In Japan, the Act for Partial Revision of the Ministry of Defense Establishment Act, etc. (hereinafter referred to as the “Revised Act”) was promulgated on June 3, 2009 (enforced on April 1, 2010) and thereafter, all members who are to be recruited as Japan Self-Defense Forces uniformed personnel must be 18 years old or over without exception. Upon the enforcement of the Revised Act, the Government of Japan amended the declaration to the effect that the Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces. This amendment was notified to the Secretary-General of the United Nations, in accordance with paragraph 4 of Article 3 of the Protocol, in the form of a

document describing a new declaration. This declaration was made adding the amendment to the existing declaration and actually has the same meaning of withdrawing the interpretive declaration made by Japan when concluding the Protocol.

(f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 21

a. Status and scope

128. The Government of Japan declares under Article 21 of the Convention that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

b. Reason

129. Article 21 of the said Convention stipulates a mechanism designed to amicably settle disputes between the State Parties relating to the fulfillment of the obligations under the Convention and serves as effective guarantee for implementation of the Convention by allowing disputes to be settled by the mediation of the Committee.

130. The Government of Japan considers that this system should be accepted from the standpoint of actively contributing to international cooperation relating to the prohibition of torture, among others.

B. Legal and institutional framework for the protection and promotion of human rights at the national level

1. Protection of human rights under the Constitution of Japan

(a) General

131. The Constitution of Japan, the supreme law in Japan's legal system, is based on the principle of people's sovereignty. Together with pacifism, respect for fundamental human rights is one of the Constitution's important pillars. The fundamental human rights guaranteed by the Constitution are "conferred upon this and future generations in trust, to be held for all time inviolate" (Article 97), and the philosophy of respect for fundamental human rights is clearly shown in Article 13, which provides that "all of the people shall be respected as individuals." Foreign residents in Japan are also guaranteed fundamental human rights under the Constitution of Japan except rights which, owing to their nature, are interpreted to be applicable only to Japanese nationals.

(b) Equality under the law

132. Equality under the law is guaranteed as "[a]ll of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin" (paragraph 1 of Article 14 of the Constitution of Japan). In addition to this, the Constitution of Japan also stipulates the prohibition of aristocracy systems (paragraph 2 of Article 14), universal adult suffrage (paragraph 3 of Article 15), individual dignity pertaining to the family and the essential equality of the sexes (Article 24), the equality of qualifications of members of both Houses and their electors (Article 44), and equal opportunity for education (paragraph 1 of Article 26).

(c) Freedom

133. With respect to freedom, the Constitution of Japan stipulates the freedom of thought and conscience (Article 19), the freedom of religion (Article 20), and academic freedom (Article 23). It also guarantees, in paragraph 1 of Article 21, the freedom of assembly and association as well as speech, press, and all other forms of expression. As regards physical freedom, it sets forth the freedom from bondage of any kind (Article 18). Also, in accordance with the Constitution of Japan, no criminal penalty shall be imposed, except according to procedures established by law (Article 31), and no person shall be apprehended except upon warrant, issued by a competent judicial officer, with which the person is charged, unless he is apprehended during the offense being committed (Article 33, etc.). The right of all persons to be secure in their homes, papers, and effects against entries, searches, and seizures shall not be impaired except upon warrant issued for adequate cause issued by a competent judicial officer, or except as provided by Article 33 (Article 35, etc.). No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause (Article 34). The infliction of torture by any public officer and cruel punishments are absolutely forbidden (Article 36); and in all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal, shall be permitted opportunity to examine witnesses, shall have the right of compulsory process for obtaining witnesses at public expense, and shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State (Article 37). Furthermore, no person shall be compelled to testify against himself; any confession made under compulsion, torture, or threat, or after prolonged arrest or detention shall not be admitted in evidence, and no person shall be convicted or punished in cases where the only proof against him is his own confession (Article 38). No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy (Article 39).

134. The Constitution of Japan also guarantees the freedom to choose and change residence and to choose occupation (paragraph 1 of Article 22), the right to own or to hold property (paragraphs 1 and 2 of Article 29), and the freedom of all persons to move to a foreign country and to divest themselves of their nationality (paragraph 2 of Article 22).

(d) Social rights

135. In Japan, all people shall have the right to maintain minimum standards of wholesome and cultured living (paragraph 1 of Article 25 of the Constitution of Japan) and in all spheres of life, the State shall endeavor for the promotion and extension of social welfare and security, and of public health (paragraph 2 of Article 25). In addition to this, the Constitution guarantees “the right to receive an equal education correspondent to one’s ability” (paragraph 1 of Article 26) and free compulsory education for all boys and girls (paragraph 2 of Article 26). It also sets forth the right to work, the standards for wages, hours, rest, and other working conditions, the prohibition of exploitation of children (Article 27), and the right of workers to organize and to bargain and act collectively (Article 28).

136. Furthermore, every person may sue for redress from the State or a public entity, in the case he has suffered damage through an illegal act of any public official (Article 17) and any person, in the case he is acquitted after he has been arrested or detained, may sue the State for redress (Article 40). The Constitution also protects the right to demand compensation for property damage incurred by a citizen as a result of any operation or activity of the State or local public entity, such as expropriation of land for the purpose of improvement of social infrastructure (paragraph 3 of Article 29).

137. The Constitution of Japan stipulates that the people have the inalienable right to choose their public officials and to dismiss them and guarantees universal adult suffrage and secrecy of the ballot (Article 15). The right to vote is equally given to all Japanese men and women who have reached the age of 20, and all Japanese men and women above the qualifying age are eligible to run in elections. The qualifying age for members of the House of Representatives is 25 years or older, while the qualifying age for members of the House of Councillors is 30 years or older. Members of deliberation organs of local public entities; i.e., local assemblies, and the heads of local public entities (governors, mayors, and town/village mayors) are elected by citizens. In addition, the Constitution of Japan has provisions relating to the national review of Supreme Court Judges (paragraphs 2, 3, and 4 of Article 79), local referendums for special acts (Article 95), and national referendums for revision of the Constitution (Article 96) while stipulating the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal, or amendment of laws, ordinances, or regulations, and other matters (Article 16). Meanwhile, under the Local Autonomy Act, residents have the right to make a direct request to the local government with respect to dissolution of assembly of local public entities, and dismissal of assembly members or the heads thereof.

138. These provisions stipulated in the Constitution bind the three sources of power: the legislative, executive, and judicial. The three powers of legislation, execution, and judicature belong to the Diet, the Cabinet and the Court, respectively. The protection of human rights is ensured through rigorous mutual restraint.

139. Furthermore, the human rights referred to in various human rights treaties and conventions concluded by Japan are guaranteed by various laws and regulations of Japan.

(e) Limitations

140. The Constitution of Japan stipulates as follows: “The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.” (Article 11) “The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.” (Article 12) “All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.” (Article 13)

141. This does not mean that the guarantee of human rights is absolute for which no restriction is allowed, but that it is subject to certain limitations, mainly because of an inherent restriction which coordinates the conflicts among fundamental human rights. For example, punishing a person who has made a speech defaming others is considered a limitation on the freedom of speech of said person. However, this limitation is unavoidable to protect the right of the others to maintain their reputation and is explainable through the concept of “public welfare.”

142. Therefore, it is considered that, as for the human rights having no possibility to conflict with those of the others, there is no room for limitations based on public welfare. To give an example, it is interpreted that the freedom of thought and conscience (Article 19) is absolute and no restriction is allowed so long as it is a matter of inner feelings.

143. In addition, in judging whether or not a law regulating human rights is justifiable in light of the public welfare, the court has, in the case of a law regulating economic freedom such as free business, tended to approve the relatively broad discretion of the legislative

body while, in the case of the interpretation of a law restricting spiritual freedom, has adopted severe standards.

144. In this way, the Constitution of Japan has no explicit provision indicating what “public welfare” is; however, the concept of “public welfare” is embodied in more concrete terms by court precedents for respective rights based on their inherent nature, and the human rights guaranteed by the Constitution and the restrictions on human rights imposed under the Constitution closely resemble those under human rights treaties. Under no circumstance, therefore, could the concept of public welfare allow the state power to arbitrarily restrict human rights, or allow any restrictions imposed on the rights guaranteed by human rights treaties to exceed the level of restrictions permissible under human rights treaties.

2. Human rights conventions as part of domestic laws and regulations

145. Paragraph 2 of Article 98 of the Constitution of Japan stipulates that the treaties concluded by Japan and the established laws of nations shall be faithfully observed. Therefore, from the purport of this provision, any and all treaties that the Government of Japan has concluded and promulgated, including human rights conventions, have effect as domestic laws.

146. Whether or not any provision of a convention can be directly applicable will be determined on a case-by-case basis, considering the objective, content, language, and other matters of the provision. Most cases of violation of convention, however, are addressed as violations of domestic laws, since domestic laws are in most cases enacted in order to carry out the obligations of convention.

3. Organs handling human rights issues and remedy system

(a) Judicial body

(i) Role of courts

147. It is stipulated that, in general, courts shall decide all legal disputes, including human rights issues and shall have the power to determine the constitutionality of any law, order, regulation, or official act in connection with a trial of a specific case (Article 81 of the Constitution of Japan).

148. Moreover, no person shall be deprived of the right of access to the courts. Every person has the right to institute a suit to a court for a judicial decision in a civil and administrative case, and no criminal penalty shall be imposed without judicial decision (Articles 32, etc.). In particular, in all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal (Paragraph 1 of Article 37).

149. The courts play their role to secure basic human rights by exercising their above-mentioned authority under the guarantee of access to the court.

(ii) Remedy

a. Administrative litigation/civil action

150. In a case in which an administrative agency violates human rights, administrative litigation seeking revocation of administrative disposition, etc. or a lawsuit seeking the State’s compensation for damages arising from the violation of human rights may be instituted. If the violating entity is a private individual, a civil action may be brought seeking an order to cease and desist or claiming compensation for damage caused by such violation of rights.

b. Criminal Procedure

151. When a violation of human rights constitutes a criminal act, the investigative authority takes the suspect (accused) into custody or prosecutes the accused based on the evidence. If the case is proven to be a crime by the prosecutor and the accused is found guilty by the court, an appropriate criminal punishment is imposed.

152. The Code of Criminal Procedure of Japan allows a person who has been injured by an offense to file a complaint (Articles 230 and 231 of said Code) and any person may file an accusation (Article 239 of said Code).

(b) Administrative body

(i) Human rights organs of the Ministry of Justice (MOJ)

153. The Human Rights Organs of MOJ (Human Rights Bureaus, Legal Affairs Bureaus, District Legal Affairs Bureaus, and Human Rights Volunteers) are among the administrative bodies having the authority to address human rights issues. Human Rights Volunteers are private citizens appointed by the Minister of Justice, and about 14,000 volunteers have been posted across all cities, towns, and villages around the country. The human rights organs of MOJ conduct various activities to protect human rights on fair and impartial grounds.

154. In concrete terms, the Organs have permanent counseling offices in the Legal Affairs Bureaus, the District Legal Affairs Bureaus, and their branch offices (approximately 320 locations across the nation) and open designated counseling offices at municipality halls, department stores, and public halls to provide the public with human rights counseling services. The counseling is free of charge and kept absolutely confidential.

155. When a case of human rights infringement is suspected during counseling, the Organs promptly investigate it as a human rights infringement case, ascertain whether human rights infringement occurred or not, and, based on the results thereof, take appropriate measures specific to each case to respond to victims of human rights infringement.

156. In addition, the Organs have been carrying out various human rights promotion activities to improve each citizen's awareness and understanding of human rights by holding symposiums, movie viewings, public relations campaigns through mass media such as TV and newspapers, and preparation and distribution of pamphlets and posters during "Human Rights Week" and other opportunities.

157. The budget of the Human Rights Bureau of MOJ for FY2010 was approximately 3.6 billion yen.

(ii) Organs handling specific issues

a. Status of women

158. As an organ to address specific issues relating to the improvement of the status of women, the Gender Equality Bureau was established in the Cabinet Office in accordance with Article 1 of the Order for Organization of the Cabinet Office in order to promote the formation of a gender-equal society, to prepare and facilitate the basic plan for gender equality, and to take charge of affairs relating to gender equality, including response to complaints. In FY2011, the Gender Equality Bureau has 42 staff members and a budget of 363 million yen. Also, in order to monitor the implementation status of gender-equality measures, the Council for Gender Equality which is composed of Cabinet Ministers and intellectuals was established.

159. Meanwhile, as a policy and framework to address gender issues, the Third Basic Plan for Gender Equality was prepared (and approved by the Cabinet on December 17, 2010) based on the Basic Act for a Gender-Equal Society under which the Government as a whole is working toward the realization of a gender-equal society.

b. Issues of indigenous people

160. As an organ relating to the issues of indigenous people, the Comprehensive Ainu Policy Office was established in the Cabinet Secretariat. In addition, based on the report from the Advisory Council for Future Ainu Policy, the Council for Ainu Policy Promotion was established to comprehensively and effectively promote Ainu policy, taking views and opinions of the Ainu people into consideration.

c. Status of women in employment

161. As an organ relating to the improvement of status of women in employment, the Equal Employment Offices of Prefectural Labor Bureaus are positioned in each Prefecture to consult with both employers and employees and to provide administrative guidance based on the relevant laws with respect to securing equal opportunity and treatment of men and women in employment (47 locations across the country, total number of staff is 232 as of April 1, 2011).

d. Children's issues

162. As an organ to handle children's issues, Child Guidance Centers have been set up by prefectures, designated cities, and the cities of Yokosuka, Kanazawa, and Kumamoto (206 locations across the nation as of April 1, 2011).

163. The Child Guidance Centers are in charge of the following affairs:

- (a) Consultation, survey, examination, judgment, and assessment of support
- (b) Guidance for children in need of protective care at home, arrangement of entry to child welfare institutions, foster-parent coordination, etc.
- (c) Temporary custody, etc.

164. As of April 1, 2011, 2,606 child welfare officers and 9,604 staff members in total are working at Child Guidance Centers.

e. People with disabilities

165. As an organ for people with disabilities, a Psychiatric Medicine Council has been established in each prefecture and designated city to check the regular disease reports of those who are in mental hospitals without consent, among others, and to assess requests for discharge or improvement of treatment.

f. Elderly persons

166. Based on the Act on Prevention of Elder Abuse, Support for Caregivers of Elderly Persons and Other Related Matters, municipalities conduct on-site inspections, etc. when receiving a notice or report of abuse from those who have found potential abuse or an abused elderly person, and if abuse is confirmed, take an appropriate action such as temporary custody, or if the abuse is occurring in care facilities, exercise the authority to order to improvement. Also, supportive measures for caregivers are promoted.

(c) **The Japan Legal Support Center**

167. The Japan Legal Support Center (JLSC, or in Japanese, “Houterasu”) was established in 2006 in accordance with the Comprehensive Legal Support Act. JLSC provides the victims of human rights violations with information relating to the legal system for compensation and the consultation body or agency, etc., free of charge. It also provides, free of charge, the victims of criminal human rights violations with the introduction of an attorney-at-law who is well versed in offering assistance to victims.

168. When the victims, etc. of human rights violations intend to claim damages against offenders but they are not able to have consultation with a proper attorney-at-law or to institute a civil litigation due to financial difficulties, JLSC provides them various forms of assistance such as holding a free legal consultation or lending money to pay for attorneys’ remuneration.

C. Framework within which human rights are promoted at the national level

1. Role and activities of the National Diet and local assemblies concerning the promotion of human rights protection

169. According to the Constitution of Japan, the Diet is the highest organ of state power and is the sole law-making organ of the State, composed of the House of Representatives and the House of Councillors. Each of the Houses has Legal Counsel as a standing committee in accordance with Article 41 of the National Diet Act. The Diet protects and promotes human rights through the exercise of legislative rights.

170. Based on the provision of Article 8 of the Act for Promotion of Human Rights Education and Encouragement (Act No. 147 of 2000), every year the Diet receives from the Government reports relating to measures for human rights education and encouragement implemented by the Cabinet Offices, Ministries and agencies in the previous year. Reports submitted to the Diet are publicized as white papers to be made known widely to citizens.

171. On the other hand, local assemblies also make various efforts for the promotion of human rights such as a declaration of a Human Rights Protection City or a resolution for elimination of discrimination against Buraku people based on the Universal Declaration of Human Rights.

2. Dissemination of human rights treaties and conventions

172. Since the human rights treaties and conventions concluded by Japan are translated into Japanese and inserted in most law books sold in bookstores, the citizens of Japan are able to know the contents thereof easily.

173. The Government of Japan has prepared and distributed to the public pamphlets describing the human rights treaties concluded by Japan. Also, the Ministry of Foreign Affairs makes active efforts to publicize the various human rights treaties by posting information on the human rights conventions concluded by Japan, related Government Reports, and the background of establishment of the treaties, etc. on its website at (<http://www.mofa.go.jp/mofaj/gaiko/jinken.html>) in Japanese and (<http://www.mofa.go.jp/policy/human/index.html>) in English.

3. Human rights education and enlightenment

(a) General public officials

174. With regard to administrators, the National Personnel Authority (NPA) has established a curriculum concerning human rights in all forms of training implemented for national public officers, and has been providing guidance to the Cabinet Office and each Ministry concerning the enhancement of human rights education in training therein.

175. As for local public officers, human rights education is enhanced in all forms of training implemented by the Ministry of Internal Affairs and Communications (MIC) at the Local Autonomy College and the Fire and Disaster Management College, and local governments also provide human rights education.

176. In accordance with the second phase of the World Programme for Human Rights Education, MOJ holds human rights training seminars for national public officers of central ministries and agencies twice a year, with the aim of enhancing their understanding and appreciation of human rights issues. In addition, MOJ holds human rights leadership training seminars for officials engaged in duties for human rights awareness-raising activities in prefectures and municipalities three times a year, with the aim of providing knowledge necessary for them to act as leaders.

(b) Police personnel

177. The police carry out duties such as criminal investigations, which are deeply related with human rights. In this context, the Rules Concerning Work Ethics and Service of Police Personnel (National Public Safety Commission Rule No. 1 of 2000) stipulate the “fundamentals of work ethics” primarily focusing on respect for human rights and place the highest priority on education concerning work ethics in police education. In this way, human rights education for police personnel is actively implemented.

178. At police schools, education concerning respect for human rights is provided to newly recruited police personnel and promoted police personnel through courses on work ethics and law, including the Constitution and the Code of Criminal Procedure. In addition, in courses on methods and skills for investigation of cases of violence and abuse in which females are more likely to become victims, such as sexual crimes or domestic violence, education is provided to promote the understanding of the care and concern required to be shown to victims.

179. Police personnel involved in criminal investigations, detentions, assistance to crime victims, etc. are educated so that they can acquire the knowledge and skills necessary to execute their duties appropriately and in a way that respects the human rights of suspects, detainees, and victims. To provide such education, various opportunities such as specialized education courses offered at police schools of every level and training sessions in police headquarters, police stations, and other workplaces are utilized.

(c) Immigration officials

180. For immigration officials, lectures on human rights treaties are provided in various forms of personnel training to further raise their human rights awareness.

(d) Public prosecutors

181. MOJ provides lectures on the Covenant and on the protection and support for crime victims, gender consideration, and other issues in training sessions that public prosecutors are obligated to take at the time of appointment and at subsequent times specified according to years of work experience.

(e) Judges

182. The Government of Japan recognizes that those who become judges, prosecutors, or lawyers must undertake legal training at the Legal Training and Research Institute before obtaining judicial qualification, and that the training includes curricula relating to human rights treaties. The Government of Japan also recognizes that judges are also given related lectures and programs on the treaties after their appointments.

(f) Lawyers

183. The Government of Japan recognizes that the Japan Federation of Bar Associations (JFBA), local bar associations situated in each prefecture and regional federations of bar associations in each region are conducting human rights training for lawyers. The following are examples of recent lecture topics held by the JFBA:

- Approaches by international human rights NGOs on human rights violation cases in foreign countries
- Towards the establishment of an Asian regional human rights mechanism
- Recent developments in the UN Human Rights Committee
- Child abuse – From the viewpoint of the Convention on the Rights of the Child
- The Great East Japan Earthquake from the perspective of International Human Rights Law– focusing on the International Covenant on Economic, Social, and Cultural Rights, ICESCR
- International Human Rights Seminar relating to various issues resulting from the Great East Japan Earthquake
- Utilizing International Human Rights Laws – Based on the review on the fifth periodic report of the Government of Japan submitted to the UN Human Rights Committee

(g) Prison officers

184. With a view to enhancing respect of the human rights of inmates, the staff members of correctional institutions, including prison officers, are given proper education in various programs at the Training Institute for Correctional Personnel and the branch offices thereof, including lectures on the human rights of the inmates in light of the Constitution of Japan and various human rights treaties and programs adopting a behavioral science approach. At each correctional institution, prison officers receive practice-based training using role-playing materials assuming various cases with the inmates in order to improve their awareness of human rights.

(h) Self Defense Force uniformed personnel

185. The Ministry of Defense provides those who will be or are Self Defense Force uniformed personnel with proper education relating to the Geneva Conventions and other international human rights treaties to protect the human rights of captives in emergency situations at the National Defense Academy, the National Defense Medical College, the National Institute for Defense Studies, the Joint Staff College, and the Schools for (Self Defense Force) uniformed personnel for Ground, Maritime, and Air Self Defense Forces.

(i) Teachers

186. The National Center for Teachers' Development (NCTD) provides a training program to develop human rights education instructors. This program is designed for those

who are to play an instructive role in human rights education. Under this program, by attending study discussions or practices relating to international or domestic trends on human rights education and effective teaching methodology, they obtain necessary knowledge and skills to teach students to respect human rights. Then, they are expected to serve as instructors for training on human rights held in each region and to provide necessary guidance and advice to all schools relating to human rights education.

187. In schools, lectures on human rights for teachers and school staff members are incorporated into the in-school education program, while similar lectures are offered by the prefectural or local education committees to those who are in charge of human rights education. A human rights educational program is also provided in the training for newly recruited teachers or in other periodic training such as that for teachers with 10 years' experience, depending on their level of experience.

(j) General public

188. The Human Rights Organs of MOJ hold human rights lectures or seminars for citizens to promote their awareness of human rights.

4. Measures for improvement of awareness of human rights

(a) Educational program

189. Being entrusted under the "Human Rights Education and Research Promotion Program," prefectural and local education committees conduct 1) practical study on a comprehensive approach of human rights education through proper cooperation among school, family, and community, and 2) practical research on improvement and awareness raising through teaching methods of human rights education in schools.

190. Also, under the "Project to Reinforce the Social Education Ability in the Community," an experimental joint study has been implemented "to create a mechanism" to encourage residents in the local community to think about and understand the issues of the local community, including human rights education, and to settle them on their own initiative according to the specific situation of the local community.

(b) Human rights awareness raising through media

191. The Human Rights Organs of the Ministry of Justice have been carrying out various activities to improve each citizen's awareness and understanding of human rights through various media. Examples of such activities are advertisement screens in movie theaters or large-scale displays in public spaces such as airports; promotional advertising in trains and subways; internet banner advertisements on portal or SNS sites; posting of videos to YouTube; posting information on the website of the Ministry of Justice; TV, radio, and cable broadcasts; and publicity in newspapers and weekly magazines on relevant topics, etc.

5. Participation of civil society organizations including NGOs, etc.

192. The Government of Japan truly understands the importance of the various activities of civil society in the promotion of human rights treaties. In this regard, it holds dialogues with civil society and NGOs to exchange views in the course of preparing Government Reports on the human rights conventions. The Government of Japan will continue to respect and have dialogues with civil society.

193. The Human Rights Organs of the Ministry of Justice are making efforts to realize effective human rights protection and promotion in cooperation with various agencies and associations, including NGOs and civil social organizations, in conducting activities in the

field of human rights promotion, human rights counseling, and investigation and resolution of human rights infringement cases.

6. International cooperation

194. While it is important that human rights and fundamental freedoms, as universal values, are guaranteed not only in Japan but in all countries and regions around the world, each country has its unique history, traditions, etc. Therefore, the Government of Japan has considered the unique situations specific to each case and has provided proper international support for improvement of human rights through dialogue and cooperation.

195. In 2010, under its ODA program, Japan contributed USD 444.14 million for medicine and health, USD 1,658.11 million for gender equality, USD 380.90 million for peace building, and in FY2010, USD 181.76 million for measures for people with disabilities.

196. Japan also supports the human rights activities of international human rights organizations (OHCHR: Office of the United Nations High Commissioner for Human Rights, UNICEF, UN-Women, etc.). In FY2010, Japan made a contribution of USD 175.05 million to UNICEF, and it is the fourth largest sponsor in the world and the top donor to OHCHR's activities in Asia. Japan continues to support these activities, including through voluntary contributions.

197. In an effort to achieve the Millennium Development Goals (MDGs), the Government of Japan has expressed and has been steadily implementing its commitments in each field. In September 2010, Japan pledged its commitment to provide of USD 5.0 billion in assistance in the field of health and USD 3.5 billion in assistance in the field of education over a 5-year period beginning in 2011. In June 2011, Japan hosted an international conference to follow up on the UN MDGs Summit, in order to promote cooperation among various actors. In addition, Japan co-organized a ministerial-level side event on MDGs with relevant nations and organizations in New York in September 2011.

7. Preparation process of Government reports

198. Government Reports are mainly coordinated and prepared by the Ministry of Foreign Affairs in cooperation with relevant Ministries and Agencies. The report related to the Convention on the Elimination of All Forms of Discrimination against Women is coordinated and compiled by the Cabinet Office.

199. The Government fully recognizes the importance of the various activities of civil society in the promotion of human rights treaties. From this viewpoint, it gathers opinions broadly from the general public and NGOs through the website of the Ministry of Foreign Affairs and that of the Cabinet Office (with respect to the Convention on the Elimination of All Forms of Discrimination against Women) and holds dialogues with citizens and NGOs to exchange views in the course of preparing Government Reports on the human rights treaties and conventions. Furthermore, in preparing the follow-up Report on the Convention on the Elimination of All Forms of Discrimination against Women in 2011, the Specialist Committee on Monitoring of the Council for Gender Equality was held so that the contents of the Report were discussed by intellectuals who were members of the Committee.

200. So that it can be disseminated and made available to the public, each Government Report is posted on the website of the Ministry of Foreign Affairs and the Cabinet Office (with respect to the Convention on the Elimination of All Forms of Discrimination against Women), both in Japanese and English, and is distributed to the relevant Diet members and citizens and NGOs who have a concern about the issue.

201. The concluding observations of the Human Rights Committee on Japan's Government Reports are shared with relevant ministries and agencies and discussions are held concerning each recommendation. When any new measure is implemented, it is incorporated in the next government periodic report. The concluding observations are posted on the website of the Ministry of Foreign Affairs and the Cabinet Office (with respect to the Convention on the Elimination of All Forms of Discrimination against Women), both in Japanese and English.

III. Information on non-discrimination and equality and effective remedies

1. Legislation concerning non-discrimination and equality

(a) Constitution of Japan

202. The principle of the equality is defined in paragraph 1 of Article 14 of the Constitution of Japan as “[a]ll of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin,” and guarantees equality under the law without any discrimination. In addition, the Constitution of Japan stipulates the abolishment of aristocracy systems (paragraph 2 of Article 14), universal adult suffrage (paragraph 3 of Article 15), individual dignity pertaining to the family and the essential equality of the sexes (Article 24), the equality of qualifications of members of both Houses and their electors (Article 44), and equal opportunity in education (paragraph 1 of Article 26).

(b) Law

203. Equality under the law is guaranteed also under the domestic laws in accordance with the provisions of the Constitution of Japan. In particular, for the purpose of stipulating equality between men and women, the Basic Act for a Gender-Equal Society has been enacted to promote the comprehensive and systematic formation of a gender-equal society while the Act on Securing, etc. of Equal Opportunity and Treatment of Men and Women in Employment was introduced to prohibit the discrimination of employees on the basis of their sex. In addition, the Basic Act on Education setting forth equal opportunity in education is in place.

204. Apart from those mentioned above, there are certain laws having provisions under which equality under the law is guaranteed; for example, Article 27 of the National Public Service Act and Article 13 of Local Public Service Act stipulating the principle of equal treatment of all citizens to be applied to public officers; paragraph 3 of Article 244 of the Local Autonomy Act prohibiting improper discriminative treatment of local residents in using public facilities; Article 3 of the Labor Standards Act prohibiting discriminatory treatment with respect to wages, working hours, or other working conditions by reason of the nationality, creed, or social status of any worker; Article 4 of said Act prescribing the principle of equal wages for men and women; paragraph 2 of Article 5 of the Labor Union Act stipulating 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 prescribing the right to receive public assistance in a nondiscriminatory and equal manner.

2. Policy relating to non-discrimination and equality

(a) General

205. The Human Rights Organs of the Ministry of Justice have implemented various activities in the field of human rights promotion, human rights counseling, and

investigation and resolution of human rights infringement cases to deal with various human rights issues including discrimination.

206. Public prosecutors and the police conduct investigations appropriately to realize proper punishment through equal and fair application of the penal codes to cases, based on the law and evidence, regardless of race, belief, sex, social status, or any other status of the suspect or the victim of a crime.

(b) Educational program

207. The Ministry of Education, Culture, Sports, Science and Technology has been promoting, based on the spirit of the Constitution of Japan and the Basic Act on Education, education that respects all individuals by improving the awareness of respect for human rights through school education.

208. Courses of study for elementary schools, lower secondary schools, and upper secondary schools include, as general provisions, “apply[ing] a spirit of respect for human dignity and reverence for life in specific activities” to promote the human rights-conscious education.

209. Through classes on “Social Studies” and “Moral Education” in elementary and lower secondary schools and “Civics” in upper secondary schools, students learn the respect of basic human rights, the rights and obligations, the purpose and the role of international human rights laws, and the need to realize a discrimination-free or prejudice-free society, etc.

(c) Public Campaign

210. The Human Rights Organs of MOJ have extended their activities in the field of human rights promotion, human rights consultation, and research and remedy of human rights violation cases to all human rights issues, including human rights violations of a person or persons belonging to a specific group.

211. For example, when North Korea confirmed its abduction of Japanese nationals in the course of Japan-North Korea summit talks on September 17, 2002 and many North and South Korean students were subjected to harassment, appropriate human rights protection measures were taken through human rights consultations in the Legal Affairs Bureaus and the District Legal Affairs Bureaus across the nation. Similar actions were taken when North Korea’s missile launches were reported in July 2006 and April 2009 and nuclear tests in October 2006 and May 2009.

212. As a human rights awareness-raising activity, a symposium on Hansen’s disease (leprosy) is held every year to eliminate prejudice and discrimination against Hansen’s disease patients and to promote greater understanding of them.
